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GENERAL SECTION

TELEVISION AND ITS SOCIAL REPERCUSSIONS[1]

by MARIO ATTILIO LEVI

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In a study of the influence of television on present-day social life it is necessary to explore two main avenues of enquiry which may shed interesting light on our subject. The first is the peculiarities of the television audience and its behaviour, and the second is the television programmes that are actually put out by the more advanced and widely followed television organisations of the present time.

As regards the public and its behaviour, television has not had the same effects in every country and in every *milieu*, despite all the prophecies to the contrary. An Italian visiting the United Kingdom before 1954, i.e. before the inception of the regular television service in Italy, and seeing a forest of slender television antennae sprouting like saplings from the roofs of English houses, particularly in the suburbs and in the country, might have thought that television in Italy too was destined to make its way into every home. As a matter of fact, articles were published in Italy in 1953 which spoke of the introduction of television as a revolution that would cut across our ways of living, inducing the Italians to lead a more settled, home-loving existence; and as a result many families who were seldom together on account of the habit of frequenting meeting places and places of entertainment would find themselves becoming much more united, around a television set placed in the dining room or the living room.

What has happened in something like four years of television service in Italy has given rather a rude awakening to these forecasters, because the spread of television in Italy has been mainly in licensed premises and other meeting places, while the number of licences taken out for sets located in private dwellings has remained relatively small. Whereas in the United Kingdom a foreigner who wanted to watch the television programmes would find it a rather difficult matter to do so unless he could get himself invited into a family circle, in Italy television is available to everyone; one might say it is almost thrust upon everyone, in the highways and byways, and even in the family circle it is used as often as not as an occasion for groups of friends to get together, all sitting round viewing from the same screen. In this connection, incidentally, it may be mentioned that there is a marked preference in Italy for sets bigger than 17 inches, while in places where television is a fireside companion people tend to like the sharper picture of the 17-inch and smaller sets.

Basically there are three types of television viewing : (a) domestic and family listening; (b) viewing in select groups, and (c) viewing in public places. Home viewing is the typical way the British television audience uses the service, and it looks as if it will also be the chosen method with the growth of television in the Germanic and Scandinavian countries. French television, which has the third largest audience in Europe after Britain and Western Germany—a long way behind the first and close on the heels of the second—is experimenting with all three types. In Paris and in the North it is not easy to find television sets at the disposal of the public, since they are nearly all in private houses; in the easy-going climate of sunny Provence and the other provinces of the *Midi* one is quite likely to see and hear a *chansonnier* singing in the broadest Parisian *argot* when one steps into a bar or strolls in front of a café. In France, too, small groups of viewers have been organised among people of like tastes, and they meet among themselves to follow the television programmes : the French television authority, for example, encourages the installation of television sets in village schools, so that the teachers can gather the pupils round the set at certain times, and operate it at other times to show different programmes to parents and families.

The rise of television in Italy was outstandingly rapid in the first eighteen months, but it tapered off in the following period, although the television network now covers the whole of the mainland and also the large islands of Sicily and Sardinia. This is partly explained by the fact that the first areas of Italy to be served by television were the richest, and it is partly due also to the commercial policy of the Italian television organisation, which until 1957 charged about 18,000 lire for a private licence, and just over 36,000 lire for a licence for cafés,

[1] Lecture delivered at the Department of Drama, Bristol University.

taverns and other licensed premises, places which do very well out of television, in view of the increase in their turnover, although they are not allowed to charge a special price to watch public television broadcasts. The licence fees have now been slightly lowered for private viewers and slightly increased for licensed premises, but the ratio is still out of proportion when it is remembered that a set in a private house is used by an average of four persons, while one in a café etc. appears to have a daily average of about thirty viewers. It therefore cannot be said that in almost the whole of Italy or in southern France television is not very widespread. In Italy particularly, certain quiz programmes have built up an undreamed-of and almost unbelievable following : [1] it seemed that the country's heart had stopped beating for an hour or so, and it was stated in official quarters that the audience represented a quarter of the entire population of the country, while even the staidest morning papers gave whole pages over to reporting these programmes. Yet as regards the influence of television on customs and social life, the fact remains that television has wrought nothing new; in the countries where it has found its way into the home and the family circle it has merely adapted itself to the stay-at-home habits and family spirit of peoples who had always been so inclined, while in places where climate and custom conduce to living more out of doors, television has had the effect of getting more and more men and women into the open.

Analysing the present or possible programmes of the various television organisations it will be seen that, taking them by and large, it is possible to make a rough initial breakdown of a technical nature between broadcasts made of an event while it is actually happening, (whether the scene is given through the medium of a film, or whether the picture is carried exclusively over the television channel from the spot where it is taking place to the set receiving the signal), and broadcasts involving a transmission from the television studios, either of activities of various kinds inside the studio, or else of sound pictures taken from cinematograph films as ordinarily scheduled, photographs with commentaries or other features of similar kinds such as animated cartoons or just ordinary drawings.

In both these major categories of transmissions there is room for a wide range of different types of show. The most spectacular (and almost always the most expensive) of all broadcasts are the theatre-type programmes—the drama, farce, comedy and revue productions that are put on the air by all the European (and American) television networks in full-length or abridged versions, or sometimes in " digest " form. Now, each of these types of theatre show can be relayed from an ordinary theatre, or it can be staged specially in the television studios. Broadcasting productions specially staged for television was long a great ambition of the executives responsible for television programmes, who thought (as some of them perhaps still do) that television was destined to become a new art form, with its own aesthetic evolution as was already once the case, in this very century, with the cinema. Television's pretensions to artistic autonomy involved the television corporations (all of them State-owned monopolies in varying degrees) in enormous expense to stage their own productions of costly shows that they could just as well have relayed from a theatre for the price of the television rights. It is gradually being realised that the dimensions of the television screen alone impose considerable limitations on artistic expression, and this is why drama, even if it is interpreted and produced afresh in the studio, can never have anything in common with the living theatre however much one may try. If you take a close-up of the actor who is singing or speaking, you lose the sense of unity in the dramatic action; in a dialogue or a duet, shooting close-ups of the actor who has the cue allows you to follow his facial expression, but it kills the personality, and hence the effectiveness as a foil, of the person who is playing against him, thereby adulterating the very stuff of which drama is made. When the cameras switch to long shots, you get the opposite effect : all the figures become so small and blurred that they are no longer distinguishable. Besides this, the absence of colour is responsible for the same drawbacks in television as are found in black-and-white films, namely all the chromatic values of stage setting and choreography are lost in shades of grey. Furthermore, every form of theatricals, from opera to revue, from tragedy to the briefest farce, meets with difficulties on television because the plays were written for a environment and an audience which make very different demands by comparison with those of a televised show. On the stage a given piece of acting may require ten minutes to be carried off completely, whereas for some reason inherent in a different transmission technique it may need no more than a minute or two on the screen. If timing that will go down in the theatre or the cinema is taken over unchanged into the television production, the dramatic tension of the play is lost for home viewers because of the undue slowness of the broadcast alone. If on the other hand the artistic creation for the stage is cut down to fit in with the demands of television timing, it is as a rule completely distorted and debased : something similar must have happened in ancient Rome, when Greek tragedies were reduced to mime, and Aeschylus or Euripides had their works cut down to twenty or thirty minutes. No doubt the Roman public in the Middle and Late Empire found this type of spectacle highly entertaining, but it can hardly be said that Roman mime did much to raise the spiritual level of the classical world.

So much for drama staged in the studio. When theatrical shows are relayed directly from public places of entertainment the problem of " television timing " no longer presents itself, since the public knows it will have to take the transmission as a mere news item about an event at which it is not present in any case. The camera's peeps at the theatre where the show is being

[1] Cf. article by Mr. Carlo Zini Lamberti " Lascia o Raddoppia ? " in *EBU Bulletin* No. 45, page 547 et seq.

given, and even the incidental noises in the house—laughter, coughs, snatches of comment, applause and the sound of people dropping things during the acts—are enough to make them feel that the signals they are receiving on the screen enable them to take part from afar in an event which for one reason or another they have not been able to attend. Thus people take the theatre's fare as they find it, just as they would accept a live or filmed transmission of some news item of a different nature. In such a case the television service is no longer in discussion, and critics of television in the papers have nothing to appraise beyond the relative degrees of skill in the camera angles.

In the first two years of operation the Italian television service went to great pains in vying (or trying to vie) with the theatre and in attempting to evolve television art forms from all the theatre *genres*. Now it is falling back—and not merely for budgetary reasons—on an increasingly frequent use of live transmissions relayed direct from public theatres, which generally turn out to be more effective and less expensive. For its part, television in America, prodded by the demands and the particularities of its commercial and advertising business, is following the publishers' lead and catering to the tastes of its public by reducing theatrical works into " digest " form, few of which run to sixty minutes.

Alongside this particularly taxing activity of television, a glance at the programme summaries of all the countries that transmit for more than twenty-five or thirty hours a week will reveal a long list of other programme features which present considerably less complicated problems than theatrical broadcasts. Applying the classification adopted at the Gargnano conference on the aesthetics of television in 1956 [1], televised drama belongs in the category of " entertainment ", the other two categories being " information " and " education ". From the functional point of view we can speak of television information, or news, whenever the signals reaching our screens convey news and pictures of things that are actually happening or have happened a short while ago. In this sense a play or an opera relayed direct from the theatre could be classed as a television news programme, just as much as such classic ones as the coronation of Queen Elizabeth, the funeral of Toscanini in Milan or the Eurovision broadcasts of major sporting events. When one thinks that Italian viewers were able to follow in their own homes all the dramatic and unexpected turns in the parliamentary session for the election of President Gronchi, or that they can admire the gracious dignity of Queen Elizabeth reviewing a detachment of troops even better than they could if they were present at the ceremony, there can be no doubt that television provides an opportunity for people hundreds of miles away to be present at events that a few years ago they would have seen only through the eyes of newspaper reporters and photographers.

It is, indeed, to these news events, great and small, that television owes its greatest triumphs—which only goes to show that television is a medium of communication, like the telephone, the telegraph or sound broadcasting, and does not, as it is today, possess the makings of a new art.

Its possibilities of becoming a new art form are still somewhat hazy. As a mode of artistic entertainment, television can tick off, on the credit side, little more than a few technical tricks it shares with the cinema but which are beyond the living theatre. Through them it is possible for pictures created in a studio to alternate almost simultaneously with sequences taken from a reel of film, while a nimble and skilful hand on the control panel can use the cameras to guide the viewer in his enjoyment and appreciation of a musical or dramatic work of art in a strictly personal way, a kind of counterpoint devised for the occasion by the television service, in the alternation of different camera angles.

If these technical resources were to be used in the right way by television writers, it might come to pass that television would succeed in becoming an art form in its own right, at least in a few cases. Right now there are no signs of this happening, and as far as television is concerned the theatre counts as information more than artistic entertainment. The entertainment most typically peculiar to television still remains, both in Europe and America, the quiz show. When looked at from this angle the largest class of television broadcasts is no longer that of entertainment but rather that of information, which indeed embraces a vast number of broadcast types acceptable to practically the whole of the audience, and hence the essential characteristic of television may be defined as being, at bottom, a new kind of journalism.

The class of programmes which perhaps reveals most clearly the differences of taste and character between the various categories and nationalities of the television audience is, however, the one that has not yet been mentioned, namely, the programmes of an educational character. In one sense the definition of this type of programme might suggest that they are not very different from news and information programmes : these latter illustrate events at the very moment they happen, or shortly thereafter, as in the case of the films incorporated into the television newsreel programmes, while educational broadcasts have to do with things that have no direct relevance to current events. Under this heading will come all the broadcasts of an artistic nature, those that teach languages or handicrafts, the panel discussions on geographical, social and economic subjects, the propaganda broadcasts on hygiene, road discipline and the like; and we can also include among educational broadcasts the debates of a cultural character, the talks and in general all the programmes intended for toddlers and children that are not pure entertainment but contain something instructive. In some countries such as the United Kingdom and, to a lesser extent, France it is possible to schedule children's broadcasts that are un-

[1] See account in *EBU Bulletin* No. 38, page 526.

mistakably and exclusively educational in character; in Italy and in America even broadcasts for children are for the greater part recreational programmes. Among the best transmissions for young people in Italy, " Zurli the Wizard " and " Saltamartino " are entertainment and nothing else, though they are of first-rate quality. However, even in Italy and in France programmes of a scientific or artistic nature, readings of literary works, presentations of paintings and briefing talks on physics or biology are followed with great interest in the peak listening periods by an impressive number of viewers. Some programmes are hard to classify. For something like two years now tremendous acclaim has been won in Italy by " The Animal Lover ", a broadcast showing live animals, usually of the exotic and sometimes the ferocious variety. This show is half way between the circus and the Zoo, but it possesses an attraction all its own in the gifts of the two commentators, who exercise an undoubted hold on the public. Other broadcasts in various countries also have something that defies classification because they are built around the likeableness and personality of one character, so that it is rather hard to say whether the success and interest of the programme is due to what is said or to the way of saying it.

To sum up this all too brief and sketchy analysis of television programmes it may be concluded that, at least up to the present time and on the basis of the information in my possession, where television has scored and has achieved its greatest successes is in expanding the information resources of the individual and broadening his participation in all the forms of modern life. A Texas rancher or a Sardinian shepherd nowadays have in television a means of keeping in touch with what is happening in New York or Milan. Seen in this light, television is becoming a persuasive, effective and powerful means of making the tenor of life more uniform in all circles and in all strata of society. People, events and situations that until a few years ago were unknown to the man in the street or seemed positively mythical to him, are now within his reach.

An interesting study could be made, from the point of view of social psychology, on the relationship between advertising and television programmes. Everybody in the United States has long been familiar with the fantastic statistics of the effect of television advertising on business. At the beginning what happened was that commercial and industrial undertakings switched large amounts of money from their previous and customary publicity activities to advertising on television. Later on, television advertising continued to absorb very large sums, but at the same time money poured back into newspaper and radio advertising, at first equalling and then exceeding the investments previously made in those branches. This shows that despite its fabulous cost television advertising brings in such substantial returns that the firms that can afford it are able to increase their share of the market. At the same time it enables them to increase their profits and gives them an opportunity of achieving still further increases, for which they earmark even greater investments, in advertising.

In view of this proven pulling power of television advertising, two conclusions may be reached : (a) in the present situation, even in countries where television is no longer the latest toy, television remains the most efficient medium, and (b) commercial television programmes, by their very make-up, are a significant pointer to the tastes and preferences of the television audience. The latter remark holds good particularly for the commercial networks such as all the television systems in North America, the ITA in Britain and in recent times it has also been true in Italy, what with the short advertising " spots " which the Italian organisation has introduced into its programmes. In considering these broadcasts, however, we should bear in mind that the majority of commercial programmes are thought up by the same people who are responsible for the others, and are then offered to the public at the expense of sponsoring firms. At all events, the high cost of advertising programmes means that they are sponsored by large firms that have well-equipped and well-staffed publicity and market analysis departments; and the fact that advertising programmes are not appreciably different from the others, and are made with the same actors, the same directors, the same formulas and the same mentality, would appear to mean that the programme directors' opinions of the public's tastes are identical with those of the big advertising agencies, even if this similarity of views is not always very reassuring on account of the assessment one is bound to form of average intelligence.

Having reached this point in our enquiry, one big problem that must be examined is that of the ability of television as a medium to produce appreciable changes in society. When one speaks of the innovations that television could bring about, the problem becomes an extremely complex one, on account of the many theories that may suggest themselves for investigation. Let us look at a few of them : (a) as a result of television the public may be dissuaded from going out to traditional and habitual amusements such as the theatre, the cinema and sporting events; (b) as a result of television substantial modifications may creep into people's habits in matters of human relations, i.e. as regards dancing, games and conversation; (c) television, by taking up time that was usually free in the past, may deter people from the habit of reading; (d) television may be an influence for the better or for the worse in the upbringing of children; (e) television, if a close eye is not kept on it, may bring into the family circle sights to which those families are not normally accustomed, and thus may influence the moral atmosphere of the home.

Each of these problems raises a question that can only partly be answered by reference to statistical surveys. Large-scale statistical enquiries have been carried out in countries where television has been widespread for years, but the results of these enquiries should first of all be supplemented with surveys and statistics (as yet

unavailable) on countries in which the number of persons who regularly watch television is not in direct relation to the number of users and the number of sets in service. Moreover, a statistical survey that leads (for example) to the conclusion that the more people have television the less they use the public libraries has the drawback of being based on the hoary sophism of *post hoc ergo propter hoc*, since the falling off in library attendance might also be due to the fact that borrowers are turning more to reading newspapers and magazines, or that people are better off and are therefore able to buy books more, instead of taking them out on loan from the libraries. Without placing too much reliance on the statistics, but still keeping them in mind where they exist, one might give the following answers drawn from a large body of experience to the above questions :

(a) Television and habitual amusements : generally, the purchase of a television set keeps people at home to a greater extent and diverts them from going in person to other amusements for a varying, but always limited, period. The fact of possessing a new receiver is partly responsible, and so is in some cases the need to pay off the instalments; but once the first enthusiasm is past, and the debt is paid off, the new televiewer will begin to concede that though he has a set at home, it would also be worth while to treat himself to some quite outstanding show. Once he has reached this point, he will gradually end up by spending with the television set precisely those evenings when he used not to go out. This observation cannot be supported by any statistical proof, but it is based on common experience and on Gallup-type surveys carried out on behalf of the Italian television system. On the other hand, television may also in some cases arouse an interest in certain types of amusement that were previously never thought of, or it may awaken a need for entertainment in people who had not been aware of it before. In general the organisers of sporting events fall into the mistake of not allowing the meetings to be televised, whereas experience shows that television has succeeded in awakening or re-awakening interest in this kind of entertainment in persons who were indifferent to it. In this case it can be argued that television does not have the effect of changing anything in the place occupied by entertainments of all kinds in social life.

(b) In the ordinary relationships of social life, experience shows that the influence of television is not so strong as to woo people away from such forms of social intercourse as dancing, games and conversation. In point of fact television is becoming a way of allowing men and women to meet one another without having to entertain each other exclusively with conversation; but if the art of conversation and the taste for it are generally on the decline, and if television furnishes a new excuse for avoiding it, this merely means that people who no longer have any desire to converse accept it gladly as a means of being in each other's company without tiring themselves with talk—and here television is the consequence, not the cause, of a change in social relationships.

(c) It is perfectly true that television may take up hours that were previously spent in reading, but it should also be remembered that television, by arousing and stimulating interest in a variety of subjects, may also produce the opposite effect, i.e. it may give a fillip to reading. A typical example of this was noted in Italy when a craze was on for a quiz show on an educational basis. During the period of the show booksellers recorded sizeable increases in sales of books enabling the reader to learn about or brush up the subjects to which the quiz programmes related.

(d) Considerable concern is expressed in all quarters regarding the influence that television may have on children's education in one way or another. Some parents prevent their children from using the set because they are afraid they might neglect their homework on that account. Others consider that television is harmful to the eyes of the very young, and yet others believe it exerts an undesirable influence by accustoming them to think in pictures instead of ideas. Family discipline and parental authority should suffice to prevent boys and girls from watching broadcasts that are unsuitable for them, such as crime shows and programmes in which the sex element is too much to the fore. Apart from these cases, which are very rare in television broadcasts anywhere, the programmes may stimulate children's curiosity and desire to learn much more efficiently than school education or family upbringing could ever do. Undoubtedly television, like all audio-visual aids, constitutes something revolutionary compared to the traditional methods of teaching for children, but it should not be regarded with suspicion on that account, since the advances in technical progress should be controlled, but not denied, by the human mind. Particular interest attaches to the three months of experimental broadcasting to schools (30-minute transmissions on weekdays) which the BBC is now putting out for about a thousand British schools.

(e) The subject of the relation between television and social morality, particularly in the home, is a delicate one, as it has been feared ever since the inception of the television service that there would be a danger that the new medium of communication might bring within the reach of all certain situations, pictures or scenes that might have a bad influence on the morals of society and the home. Here again, though, it must be said that if the fabric of society or the family is sound, it will not sustain any damage from some morally inadvisable or otherwise inappropriate television broadcast, because a sound organism is above all one which possesses its own regulating mechanism, and is not therefore likely to suffer from this or that programme that might not be entirely irreproachable from the moral angle. On the other hand, if the fabric of the family or of society is already corrupted, television will not noticeably worsen the decay that has already set in.

One serious danger, while we are on the subject of the social influence of television, is however that of the mistaken and immoderate ambitions in which those responsible for television programmes often indulge. There are a few kinds of broadcast that tax the television organisation beyond its real strength. When television has the pretension of staging shows that are suitable only for public theatres, or when it thinks it will awaken interest in cultural or scientific subjects with long-winded debates, or again when it traduces literacy works of great merit into shoddy pictures, it achieves the precise opposite of the effect intended in that it produces boredom, dissatisfaction and sometimes a distaste for cultural and artistic matters, through which television may eventually alienate the affections of its public.

This remark has perhaps opened a window on the most important aspect of the whole problem we are discussing. Although television is still young and unsure of touch, and although the bystander's opportunities of observation are limited in both space and time, an acute observer will already have found out that there can be and there are both good and bad television transmissions and television programmes. In general what makes a television programme a poor one is the wrong use of this new medium of communication which science has made available to mankind. This wrong use not only makes people consider television to be wearisome or ugly, but it actually makes it harmful; whereas, when television is handled wisely, within the limits laid down for it by an analysis of its programmes, it has the effect of enriching humanity with a new and powerful instrument of knowledge.

The foregoing remarks, drawn from necessarily limited experience, now permit us to face squarely the problem of the relations between television and social life. The vast influence at its command makes it a stimulant to every social activity and every form of human life. Yet neither the man who prefers to watch the programmes in the café or the inn, nor the man who follows television on his screen at home have changed their long-standing habits on account of television. Persons whose only interest is in sports meetings or popular ditties will not forgo their interests if television brings them " Romeo and Juliet ", or a series of popular lectures on nuclear physics. At the outside, after ten minutes of this fare the hapless viewer will give up and trot off to bed, grumbling because television has not given him a boxing bout instead of a tragedy.

What happens in the case of advertising is something like what necessarily happens in the end in all the repercussions of television on our social life : after a change of relationship for a month or two or a year or two, the true effect of television remains as man's more intense participation in modern life. Since this increasing intensification of every form of life, following upon the advances of technology, is part and parcel of present-day social development itself, the influence of television upon society can only be regarded as one more incentive for courses and patterns of development which already, independently of television, form part of the scheme of things. There is thus no revolution conditioned by television, but merely a greater addition to an evolutionary process that was already in being.

We remind our readers that

Part A — (Technical) of E.B.U. Review No. 48

contained the following articles and information :

Recording television programmes on film in the German Federal Republic, by J. Goldmann and H. Funk

Television transmissions from boats, helicopters and submarines, by M. Campbell

International News

Calendar of international conferences; Austria, Belgium, Bermuda, Canada, Denmark, Finland, France, Germany, Israel, Italy, Switzerland, United Kingdom, United States of America

European television stations. 2. France, Luxembourg and Monaco

Long-wave and medium-wave broadcasting stations in the European Area

Some recent books and noteworthy articles

The work of the E.B.U. in the technical field, by E. L. E. Pawley

E.B.U. activities (Eurovision, New Year's Eve Programme; Fourth Meeting of Working Party K; Meeting of Editorial Sub-Group of Working Party L)

RADIO AND TELEVISION LICENCE FEES — EUROPEAN BROADCASTING AREA

(31st December 1957)

COUNTRY	Annual Fees (in National Currency)			Type of Set and Methods of Assessment
	RADIO	TELEVISION	WIRED BROADCASTING	
ALGERIA (Fr.)	1450 per home 2900 per establishment 5800 » »	 4350 13050		valve set — private use » » — free public use » » — public use charged for additional licence for portable set used outside the home free public use public use charged for
AUSTRIA (Sch.)	98 per home	600 per home (excluding radio)	110 (98+12)	private use additional licence of Sch. 2 per month for car set and portable set private use
BELGIUM (B. fr.)	20 per home [1] 144 per home [1]	840 per home	as for radio	crystal set — private or public use valve set — private or public use [2] additional licence for car set private use
CYPRUS (£)	1 per set	1 per set		crystal or valve set — private or public use additional licence for car set private or public use
CZECHO-SLOVAKIA (Kčs)	60 per home 60 per establishment	180 (excluding radio)	60 60-1800 according to no. of sets	valve set — private use public use charged for private or public use charged for private use public use charged for
DENMARK (Kr.)	22 per set 33 per home (several sets)	55 (excluding radio)		crystal or valve set — private or public use charged for additional licence for car set private or public use charged for
EGYPT (£E.)	1.30 per set			public use free or charged for additional licence for car set
FINLAND (Mk.)	1200 per home	6000 (excluding radio)		crystal or valve set — private or public use additional licence for car set since 1.1.58 — private or public use
FRANCE (Fr. fr.)	2000 per home 4000 per establishment 8000 » »	6000 (excluding radio) 24000 » » 48000 » » plus tax proportional to receipts		crystal or valve set — private use free public use public use charged for additional licence for car set and any other set installed outside the home private use free public use public use charged for
GERMANY (Fed. Rep.) (DM)	24 per home	84 (24+60) (including radio)	42 (24+18)	private or public use additional licence for car set private or public use private or public use

[1] The licence fee is payable per home so long as receivers installed in the same home are not used for profit.

[2] From the point of view of the licence fee as such, no distinction is made between private or public use of radio sets. In certain communities or provinces, however, a special fee is payable in respect of the public use of loudspeakers used for the broadcasting of entertainment or propaganda in public places. This fee is due even if the loudspeaker used is in fact part of a radio receiving set.

[3] The radio licence covers two receivers, irrespective of whether they are installed in the home or in a car.

COUNTRY	Annual Fees (in National Currency)			Type of Set and Methods of Assessment
	RADIO	TELEVISION	WIRED BROADCASTING	
GIBRALTAR (£ s.d.)	10s. 0d. per holder [3]		free of charge	private or public use
HUNGARY (Ft.)	120 per set	600 (excluding radio)	120	private and public use charged for » » » » » » » » » » » »
ICELAND (Kr.)	200 per home			private or public use additional licence for set in car, boat
IRELAND (£ s.d.)	17s. 6d. per home	Radio fee only payable		crystal or valve set — private or public use additional licence for car set
ISRAEL (£I.)	5 per home +3 for 2nd set (additional sets in family free)			crystal or valve set — private or public use additional licence for car set
ITALY [1] (L.)	2450 per home 2460-4800 per establishment *Supplements:* 500 per loudspeaker in hospitals 1000 per loudspeaker in hotels and ships	14000 per home (including radio) 15000-36000 *Supplements:* 3060 per set in hospitals 6120 per set in hotels and ships and L. 10-80 per seat in theatres and cinemas (per annum)		private use free public use additional licence for car set and portable set public use public use private use free public use public use public use
JORDAN (Din.)	1 per set 2 » »			private use free public use additional licence for car set
LIBYA (£Lib.)	0.500 per set 3 » »			valve set — private use public use charged for additional licence for car set
LIECHTENSTEIN (Sw. fr.)	26 per home 38 per establishment	60 (exluding radio) 120 » »	21	private use public use private use private use public use
LUXEMBOURG (L. fr.)	96 per set			private or public use additional licence for car set
MALTA (£ s.d.)	£1 per home	£1 (including radio)	£5. 2s. 0d. per annum (less 6s. discount for advance payments)	crystal or valve set — private or public use additional licence for car set private or public use private or public use charged for
MOROCCO (Fr.)	500 per home 1500 » » 3000 per establishment 6000 » »			crystal set — private use valve set — private use » — free public use » — public use charged for additional licence for car set
NETHERLANDS (Fl.)	12 per set	30 per set (excl. radio)	12	crystal or valve set — private or public use additional licence for car set private or public use private or public use

1 Government Law No. 1150 of 10.12.54 decreed that *over and above* the usual fee payable for each licence, a charge for the governmental *concession* is payable.

COUNTRY	Annual Fees (in National Currency)			Type of Set and Methods of Assessment
	RADIO	TELEVISION	WIRED BROADCASTING	
NORWAY (Kr.)	25 per home 5 per home in localities where listening conditions are unfavourable	 (Experimental service) 5 (registration duty) + radio licence fee		private or public use private or public use private use or public use charged for
POLAND (Zl.)	60 per set 360 » » 180 » »	 480 per receiver (excluding radio)	 72 per receiver	crystal set — private use valve set — private or free public use valve set — private or free public use — reduced rate for agricultural and retired workers private or free public use private or free public use
PORTUGAL (Esc.)	0 100 per set 100 per establishment or public place			crystal set (without loudspeaker) valve set — private or public use free or charged for, and car, boat or portable set additional licence for any number of sets
SAAR (Fr. fr.)	480 per set 2400 » » 4200 » » 8400 » »			crystal set — private use valve set — private use free public use public use charged for additional licence for car set
SPAIN (Ptas.)	60 per home 100 » » 100 per set 150 » » 200 » » 500 » »	 300 500		set up to 6 valves — private use set with 7 valves or more—private use in public estabs. other than hotels. in shops or workshops in hotels, clubs, restaurants, etc. for any additional loudspeaker installed in the street, etc. 150 Ptas. for sets in cars, boats, etc. sets with screens up to 43 cms sets with screens over 43 cms
SWEDEN (Kr.)	30 per home	 100 10		private use additional licence for car set private or public use in Stockholm registration fee for sets outside Stockholm
SWITZERLAND (Sw. fr.)	26 per home 38 per establishment	 60 (excluding radio) 120 » »	 *Télédiffusion* 44.40 56.40 *Rediffusion* 104 116	valve set — private use public use private use public use private use / public use } including subscription private use / public use } including subscription
TURKEY (£T.)	5 to 10 per set 20 to 50 per set			valve set — private use public use additional licence for car set
UNITED KINGDOM (£)	1 per home	 3 (including radio) + 1 (excise duty per home)	 ordinary receiving licences for radio and television are required	crystal or valve set — private or public use free or charged for additional licence for car set private or public use free or charged for
YUGOSLAVIA (Din.)	240 per set 3000 » »			crystal set —private or public use valve set — private or public use

Note: No licence fee payable in: Andorra, Monaco, Tangier and Vatican City.

NEWS AND INFORMATION

INTERNATIONAL

INTERNATIONAL CONFERENCES CONCERNED WITH BROADCASTING

1958			
		July-August	
12-20 July		Fédération Internationale des Jeunesses Musicales, 13th Congress	Brussels
28 July-2 August	IFMC [1]	General Assembly and International Conference on Folk Dancing and Folk Music	Liège
		September-October	
16-17 September	UNDA [2]	Int. Meeting incl. talks on " The Child in the World of Sounds and Images "	Brussels
22-26 September	EBU	Working Parties GTV/1 and GTV/2	Wiesbaden
27-29 September	"	Bureau of the Programme Committee, 12th Meeting	"
30 September	"	Programme Committee, 6th Plenary Session	"
24 September	"	Bureau of the Legal Committee, 21st Meeting	Stuttgart
25-27 September	"	Legal Committee, 9th Plenary Session	"
23 Sept.-8 Oct.		Prix Italia 1958	Venice
16-18 October		European Association of Music Festivals	Aix-en-Provence
24 October-early November	IMC	International Music Council, 7th General Assembly, Congress and Festival of Music	Paris
25-28 October	EBU	Administrative Council, 19th Meeting	Geneva
		November-December	
3 November-3 December	UNESCO	General Conference, 10th Session	Paris
22-24 November	EBU	General Assembly, 9th Ordinary Session	Munich

[1] IFMC = International Folk Music Council.
[2] UNDA = International Catholic Association for Radio & Television.

U N D A

Catholic Television Meeting at Monte Carlo. — The first Religious Film Week for Catholic Television was held under the auspices of the International Catholic Association for Radio and Television (UNDA) from 2nd to 9th February last in Monte Carlo. The meeting was organised by the local authorities and the Director-General of Monte Carlo television station and his collaborators. Over 100 films and telerecordings had been sent or brought by the film producers of the following countries : Belgium, Denmark, France, Germany, Italy, Netherlands, Switzerland, French West Africa and the United States. Delegates from Brazil, Canada and Spain, press reporters and numerous film producers were present, and also the executive secretary of the Pontifical Commission for the Cinema, Radio and Television.

Sixty-eight films and telerecordings were selected and shown to between 50 and 60 delegates. These viewing sessions lasted 35 hours in all. Prizes were awarded to seven films (from France, Italy, Germany, the Netherlands and the United States) for their religious value and technical superiority, and a number of others were highly commended. The viewing sessions included exposés by producers from each country, commenting on the films and describing the respective position of religious television broadcasts in the producer country. Every aspect of the production of religious programmes for television was presented in the course of the film week, but documentaries had pride of place.

It was decided to hold a meeting next year of the best preachers on television with a view to a joint study of the problems set by broadcasts in which preaching plays an important part.

" WORLD RED CROSS DAY " ON THE AIR [1]

In 1948, " World Red Cross Day " was instituted by the League of Red Cross Societies to afford its Member Societies around the globe a common day on which their

[1] This account has been kindly contributed by the League of Red Cross Societies.

millions of members might re-dedicate themselves to the Red Cross ideal and its work on behalf of peace.

The date chosen for the observance was the 8th of May, the birthday in 1828 of Red Cross Founder Henri Dunant. During the decade since its origin, the press, radio and television have formed a firm partnership with the Red Cross in calling wide attention to this annual observance.

Radio participation in Europe began on a wide scale in 1950, as part of the third annual commemoration. A multiplex radio hookup was arranged in collaboration with Radio Geneva and the European Broadcasting Union, in which Red Cross members in four French-speaking countries exchanged greetings. In the eight years since, this hookup has been extended to more and more countries, while similar programmes have been arranged on television. Last year, a musical symphony dedicated to the Red Cross, written by the Swiss composer, Pierre Wissmer, was broadcast in 18 countries.

In 1958 the theme for the " World Red Cross Day " commemoration was " Universality in Action ". Among the events planned was the official opening of the Red Cross Pavilion at the Brussels Universal Exhibition. The annual radio hookup, while arranged as usual by Radio Geneva, was, therefore, centred on Belgium. Stations of six other countries—Austria, France, the German Federal Republic, Italy, Switzerland and Yugoslavia—participated simultaneously in this half-hour programme, which began at the peak listening period, at 20.30 hours on the 8th of May, while stations in Canada, Luxembourg and Monaco re-broadcast it later. The programme went out in four languages—French, German, Italian and Serbo-Croat—and with the aid of the Swiss shortwave stations at Schwarzenburg and Sottens, English and Spanish listeners were also reached. Radio Geneva estimates that listeners in the ten above-named countries totalled 30 million.

After a report on the inauguration of the Red Cross Pavilion, French-language listeners heard accounts and illustrative recordings of Red Cross activities throughout the world—an " eye bank " in Australia, nursing services in Canada's Far North, an old people's home in France, aid to the blind in Japan and to lepers in New Caledonia, first aid teams in Polish mines, and the role in emergency relief played by radio amateurs in the United Kingdom. The programme contained a recorded message from Dr. Albert Schweitzer and ended with one from a little Greek girl to her fellow Junior Red Cross members throughout the world. Listeners to the Italian and Yugoslav programmes also heard some of these features, along with stories of Red Cross work from their own countries, while listeners to the German programme heard a play about Red Cross activities entitled " Between Uprising and Breakthrough ".

For the first time this year, listeners in 20 Latin American countries heard an eight-minute broadcast of the Swiss Radio Short Wave Service on " The Red Cross, Conciliator of to Future ". This consisted of short statements in Spanish by officials of the League and International Committee of the Red Cross and by a young Spanish girl who from her own experience has come to believe nothing but good of " the gentlemen who wear a Red Cross armband ". Another ten-minute programme, prepared by the International Committee of the Red Cross, in Arabic, on the results of Dunant's humanitarian action on the battlefield at Solferino nearly 100 years ago in 1859, was also broadcast by the Swiss Radio Short Wave Service to all the countries in North Africa and the Middle East.

In the United States the special " World Red Cross Day " messages of Justice Emil Sandström, Chairman of the League of Red Cross Societies, ICRC President Leopold Boissier and UN Secretary General Dag Hammarskjöld were all broadcast. The Secretary General's message was also used by the UN's own worldwide network, in 26 languages.

In Europe, this year, television programmes were transmitted in Belgium, Norway, Switzerland and the United Kingdom. They were joined, in Asia, by Thailand.

Reports of these and the special radio programmes are still coming in, and it seems likely that last year's record will be equalled. On the 8th of May, 1957, a total of 21 countries dedicated special radio and television programmes to the Red Cross, while some 30 more covered " World Red Cross Day " activities in radio newsreels and the like. Typical of the broadcasts arranged this year was the talk over All-India Radio by Rajkumari Amrit Kaur, Chairman of the Indian Red Cross and her country's past Minister of Health; a sermon over Radio Bangkok by the Buddhist Abbot of Mongkut; radio plays presented by the Red Cross in the Republic of Korea; and excerpts from an international festival organised by the Japanese Red Cross in Tokyo.

It was thus made possible, thanks once again to the mediums of radio and television, to bring tens of millions of people into association on this, the 130th anniversary of the birth of Henri Dunant. But " World Red Cross Day ", while the most ambitious, is still only one instance of Red Cross radio collaboration. This begins each year right from the 1st of January itself, when New Year's messages of the League of Red Cross Societies and the International Committee of the Red Cross are diffused on every continent. And throughout the year, on occasion after occasion Red Cross disaster and refugee relief services, along with the whole gamut of humanitarian work required in time of peace and war, are the subject of radio and television reports and special programmes, upon which the movement's appeal for public support so much depends.

NATIONAL

AUSTRALIA

Annual Report of the ABC for 1956-57. — The 25th annual report of the Australian Broadcasting Commission for the year ended 30th June 1957, which we have just received, observes that the year in question was particularly notable for the National Broadcasting Service in that it marked the first 25 years of sound broadcasting [1] and the first year of television broadcasting [2].

The report refers to the steadily growing audience overseas for the transmissions from Radio Australia. The Indonesian and Thai services were expanded and the total number of news broadcasts rose to 25 per day. Throughout the year, 49,771 letters were received from overseas listeners compared with 29,028 in the previous year, and of this total 31,385 came from Indonesia alone.

Net expenditure for the year amounted to £3,843,061 for sound broadcasting and £806,939 for television, or a total of £4,650,000. This represented an increase of £1,346,692 over the previous year's figure. Individual items of expenditure included £873,549 for music and variety, £133,798 for drama and features, £181,660 for youth education, £383,333 for spoken transmissions, £438,742 for news services, £995,215 for general programme expenses and £327,847 for administrative expenses.

FRANCE

Death of Professor Paul Rivet. — We announce with regret the death on 21st March last of Professor Paul Rivet, who was appointed chairman of the Board of the RTF in 1946. Since then until 1958 he assumed in succession the functions of chairman of the RTF Central Council and of the Programme Council, and he was also chairman of the Science Committee. At the elections for the Councils and Committees last March, Professor Rivet was appointed honorary chairman of the Programme Council and the Science Committee.

Death of Mr. Jean Guignebert. — We regret to announce the death of Mr. Jean Guignebert on 26th April at the age of 61. It was Mr. Guignebert who was called upon at the end of the war to take charge of the Radiodiffusion de la Nation Française, as the Radiodiffusion-Télévision Française (RTF) was then called. An officer of the Legion of Honour, holder of the *croix de guerre* and the rosette of the Resistance movement, Mr. Guignebert was interested in a number of fields of action—journalism, politics, and broadcasting which was the field of his choice.

[1] See *EBU Bulletin* No. 43, page 313.
[2] See *EBU Bulletin* No. 40, page 856.

FRENCH WEST AFRICA

Broadcasting in Dahomey. — Information in No. 340 of the review *France Outremer* concerning the activities of Radio-Cotonou in Dahomey complements the account in *EBU Bulletin* No. 45 of developments in the field of broadcasting in French West Africa.

Although Porto Novo is the administrative and political capital of Dahomey, Cotonou by its geographical situation half-way between Nigeria and Togo is its economic and commercial capital. The broadcasting house of Radio-Cotonou was designed by the technical services of the SORAFOM (French Overseas Broadcasting Service) and inaugurated in June 1957. It has three studios and facilities for duplex transmissions with Dakar and Paris which take place several times a week. There are two transmitters of 1 kW and 4 kW respectively.

Radio-Cotonou receives a large number of letters from listeners in the neighbouring territories and especially from Nigeria and Togo, with frequent reports of excellent listening conditions from Europe, the United States and Japan. It broadcasts for 6½ hours on weekdays, 7½ on Saturdays and almost 9 on Sundays. There is a second programme which goes on the air at 2045 hours.

Broadcasts from Radio-Cotonou are mostly in French, which is widely spoken by the population, but programmes are also transmitted in an increasing number of dialects. Each ethnic group is thus being given the chance to participate, and has its own announcers, library of recordings, hours of broadcasting and listeners' mail.

GERMANY (Federal Republic)

1958-59 Budget Estimates. — The budgets of some of the broadcasting organisations of West Germany for the next financial year have recently been announced.

The **Westdeutscher Rundfunk** has fixed its budget for 1958-59 at DM 82.6 m. Gross income from radio licence fees is estimated at DM 70.2 m., an increase of 130,000 in the number of licences being expected throughout the year.

Estimated expenditure includes DM 23.3 m. for programmes (28.2% of the budget), DM 8.1 m. for technical services (9.8%), DM 1.1 m. for administration, DM 6.4 m. for general services, DM 18.1 m. for investments, and DM 12.6 m. for reserves for television and building.

Staff will number 1136 persons : programme staff and directorate 529 (including choirs and orchestras 254), technical services 376 (transmitters 147), administration 85 and general services 146.

Radio Bremen's income for 1958-59 has been estimated at DM 6,950,000, to be derived mainly from licence fees (radio DM 3,820,000 and television DM 900,000) and

receipts from commercial broadcasting. A further DM 450,000 comes to Radio Bremen from the Norddeutscher Rundfunk.

The budget of the **Südwestfunk** for 1958-59 amounts to DM 39,379,000, whereof DM 9,690,000 for television. An extraordinary budget of DM 1,500,000 has also been approved.

IRELAND

Plans for Television Service [1]. — A twenty-member commission has been appointed by the Minister for Posts and Telegraphs, Mr. Sean Ormonde. Its task is to consider and make recommendations on the question of establishing a television service in the Republic of Ireland. The secretary is a telecommunications expert well versed in television matters, and the services of a Radio Eireann engineer have been secured to render technical assistance where required.

The commission is asked to base its investigation on the assumption that the cost of the service shall not fall on the Exchequer but that effective control of programmes shall be exercised by an Irish public authority. It is required to make recommendations on the arrangements to be introduced to ensure that the television system will be owned by the State and on the powers and duties of the television authority. It is also asked to consider the special proposals for the use of the Irish language and the provision of an " adequate reflection of the national outlook and culture ". The commission will likewise study the relationship between the television service and the sound broadcasting service.

SWEDEN

Annual Report for 1956-57. — The report of the Swedish broadcasting organisation for the year ended 30th June 1957 showed a gross income of S. crs. 27,707,507, whereof 27,183,000 from radio licence fees and the remainder from publications. Total expenditure amounted to S. crs. 27,685,907, leaving a net income of S. crs. 21,600. Television which was in its first year of operations balanced at S. crs. 4,557,130 with the aid of a Government grant of S. crs. 3,300,000.

The total number of programme hours during the year was 6,594, as compared with 5,945 in the previous year, and the shortwave service broadcast for 6,960 hours in eight languages. Television broadcasting accounted for 487 hours in Stockholm and 302 hours in Göteborg.

The number of radio licences rose from 2,495,927 at the end of the previous financial year to 2,582,967 on 30th June 1957, and television licences numbered 36,574 on the same date. The average number of employees working for the organisation during the year under review was 770.

School Television Experiment. — The Swedish broadcasting organisation carried out an experiment in television broadcasts to schools last autumn, consisting of six programmes in all, varying in length from 10 to 30 minutes and dealing with geography, history and English. There were three transmissions which were watched by a small number of school classes in the Stockholm area, specially selected by the board of education. Keen interest was shown by other schools as well and almost 100 teachers sent in observations. In some classes the children were asked to fill in answers to a questionnaire. This material is now being studied before the final report is issued.

UNITED KINGDOM

Increase in BBC Viewing Figures. — The January to March quarterly release of listening and viewing trends based on BBC audience research shows that for the second quarter running viewers with a choice between BBC and Independent Television programmes increased the share of their evening viewing which they devoted to BBC programmes. They divided their time in the proportion BBC 38% : ITV 62%. In the previous quarter—October to December 1957—the ratio was BBC 36% : ITV 64%, whereas in the quarter from July to September 1957 it had been BBC 28% : ITV 72%. The report does not give figures for separate weeks but in fact they varied throughout the quarter from 34% : 66% to 42% : 58%.

There are 3 million more adults with television sets in their homes this year than last year and the total number of people listening to sound programmes continues to decline. People without television sets, however, listened more in the January to March quarter this year than in the corresponding quarter last year. Of the 22,500,000 adults with television sets in their homes, 60% could receive ITV as well as BBC. The report draws special attention to the BBC's London and Midland regions, covering nearly half the population of the country, in which ITV has now been available for more than two years. It shows that one in three, or about 30%, of the people with television sets in these regions have not taken steps to enable themselves to receive ITV programmes.

[1] See *EBU Review* No. 47B, page 20.

BOOK REVIEWS

Broadcasting (Sound and Television), by Mary Crozier. Published 1958 by the Oxford University Press, Amen House, London E.C.4. (236 pages, price 7/6d.)

The writer's experience as radio and television critic of one of the English national daily newspapers has provided her with the background necessary to produce this compact little volume containing a well-informed and reasoned account of broadcasting in Britain and the rest of the world.

In the words of the author, the aim is to discuss the human effects of broadcasting upon people rather than to describe its technical or administrative structure. The book starts off with a simple description of the way in which radio communication was discovered and works, its development in sending out programmes, the growth of the radio industry and the many other interesting uses of electronics. There follows an account of broadcasting in Britain—the central point of the whole survey—which is largely the history of the BBC. This leads to the picture of broadcasting in the Commonwealth and the Colonies, and a brief survey of the position in the rest of the world. Television is discussed in some detail, both from the standpoint of public service broadcasting and commercial services. Education, religion, politics, culture and entertainment in broadcasting are given thoughtful treatment under separate headings.

The book is one of the Home University Library series whose purpose is to place at the disposal of students the resources of scholarship in all the important branches of present-day knowledge.

The Dynamics of Interviewing, by R. L. Kahn and C. F. Cannell. Published 1957 by John Wiley and Sons, Inc., 440 Fourth Avenue, New York 16. (One bound volume of 368 pages, price $7.75.)

This is a book on interviewing techniques based on a psychological analysis of the relationship between interviewer and respondent. It is addressed to people in a large variety of fields, including survey and market research, whose professional success depends to a large extent on their ability to obtain information from others.

The writers are both psychologists with considerable experience of the technique of interviewing and the book is based on the thesis that a successful interviewer must know and understand the psychological forces at work in the interview to be able to acquire skill in the use of the techniques involved. Part I is concerned mainly with these techniques and principles and includes chapters describing how to approach and handle the interview, formulate questions, design questionnaires, motivate the respondent and probe for information. One of the major aims is to give the reader an image of the ideal interview and help him to identify and make use of good interviewing techniques. The emphasis throughout is on the practical side of the question and the chapters devoted to theory provide interesting background material. Part II consists of a series of transcripts of recorded interviews from the fields of medicine, business and social work, with appropriate comments from the authors. They have been included to illustrate the techniques discussed in Part I and make fascinating reading.

The appeal of this book is not likely to be limited to narrow professional circles. Its subject is of universal interest and it is written in a style that is highly readable. Viewed from the angle of the person whose business it is to elicit information by interview in any of the vast number of fields where this applies, or even from that of the person who is asked to supply the information, this is a book that touches some aspect of the lives of most people.

Dokumente zur Geschichte des deutschen Rundfunks und Fernsehens, by Dr. E. Kurt Fischer. Published by Musterschmidt-Verlag, Göttingen, Germany, 1957. (One paper bound volume of 314 pages, DM 28.)

Published as one of a series of cultural histories, this is a comprehensive collection of documents dealing with every aspect of the history of the 30-odd years of broadcasting in Germany. Dr. Kurt Fischer who has compiled and arranged this material is the head of the Historical Commission of German Broadcasting created in 1954. The task was not without its difficulties. From the point of view of the selection of the material alone, the compiler is embarrassed by the choice that offers. But a history of broadcasting in Germany is further complicated by the middle period from 1933 to 1945 which saw the annulment and destruction of much that had been done in the early stages.

The sources that Dr. Fischer has drawn on are many and varied. The subject is introduced by an extremely useful chronological table extending over almost 60 pages and listing important dates and events from the " prehistorical " era at the end of the last century to the end of March 1956. What follows is the historical survey proper based on a careful selection of all the documents relating to the whole complex question of broadcasting and its development in Germany. The texts are classified according to subject—legislation, organisation, programme matters, religion, politics, etc.—and each category is dealt with in strict chronological order as to the sources used. Finally, there is an appendix containing 17 tables and 11 diagrams, and 12 pages of bibliography.

As a work of reference this book will have its uses not only for practical broadcasters but for the historians, sociologists, statesmen, jurists, critics and serious listeners to whom it is addressed.

NOTICES

Cahiers d'Etudes de Radio-Télévision, No. 17. Flammarion, 20 rue de Vaugirard, Paris 7e.

Under the title *Rencontres et Divergences du Son et de l'Image dans l'Histoire des Techniques*, Enrico Fulchignoni describes the sound and the image as two different techniques of expression whose substantial identity he is concerned with determining. As examples he cites the case of the evolution of Italian opera, and the relationship between the silent and the talking film.

Notes et Fragments by Jean Tardieu is a series of reflections on radio and television as "broadcasting arts". These two arts, or techniques, substitute for "public" communication an individual, or limited, communication which permits an "interiorisation" of the visual or auditory spectacle.

In *La Télévision Dramatique à l'Heure de l'Hôtel de Bourgogne*, André Frank sketches a rapid history of dramatic broadcasts on French television, starting with excerpts from the repertoire of the theatre in the early days and progressing through different stages up to the realisation of an autonomous art with the adaptation of the novel *Mr. Bartleby* by Melville in September 1957.

La Télévision, l'Art et la Peinture by Henry Valensi, a painter of the *Ecole Musicaliste*, describes a new pictorial art — "telepainting" — combining "creation" and "transmission". The relationship of television to art and painting is set forth and the manner described in which it allows pictures to be projected. These pictures (preferably abstract) follow one another on the screen under the form of "plans and sequences", equivalent to "musical measures and phrases" and including, like the latter, a theme or message.

Other articles, in brief, are the description by A. Da Gruz Guimaraes of the use of radio in certain underdeveloped regions of Brazil, a continuation of Bernard Blin's enquiry into the artistic future of television in which he interviews the television director, André Hugues, a description of the large American networks and their archives, and an account of an international enquiry into the organisation of study and research in radio and television.

UNDA : Educators' Television Code, in the UNDA *Quarterly Bulletin*, March, 1958.

At the General Meeting of the International Catholic Association for Radio-Television (UNDA) in Geneva the Radio-Television and Childhood Commission was charged to work out an Educators' Television Code. The Commission met in Fribourg in March and elaborated this Code from which the following extracts have been taken.

Television: a window opening on to the world. — The fact is accepted that television has found its way into the lives of children today. Educators must consequently investigate the exact nature of its influence on them, assess the constructive elements in the change of milieu and of educational methods brought about by its advent and gauge the limitations and possible dangers of the medium. The television screen has a part to play in education provided it does not become a screen between the child and the realities of this world and of human existence. Television can discharge this function both in the field of *information* and *recreation.*

Standards dictated by the age of the child. — Children cannot benefit by television until they have reached a certain stage of physiological and psychological development. The premature use of television is therefore to be avoided. Whereas certain radio broadcasts can be profitable to children from the age of four upwards, television is usually beyond the receptive powers of a child under five or six years of age. The determining factor in each case will not be so much the child's chronological age as his mental age. In the initial stages especially, children must not be left alone in front of the television screen. Plays in which strongly exciting, shocking or morbid scenes occur should be forbidden at all ages, but above all in early childhood and at certain over-sensitive periods of adolescence.

Rules governing the amount of time to be devoted to listening and viewing. — The average amount of time that should be devoted to viewing cannot be reckoned with mathematical precision, but in the case of children under 9 years of age it should not exceed half an hour, and in the case of older children it ought never to last more than 2 hours. A surfeit of pictorial images is injurious to the mental health of the child who is apt thereby to lose the sense and appreciation of living reality. Excessive time spent in watching television can jeopardise the child's physical health by exposing him to prolonged periods of eye strain and immobility.

The role of the parents. — Discrimination, discipline and well-balanced judgment are required. Parents may be justified in thinking that active participation by their children in games of their own invention is a better form of recreation than television. When viewing, choose suitable programmes for the children; inquire beforehand about the programmes available; encourage, guide, complete or rectify young viewers' comments and appreciation; prevent the child from becoming a passive viewer and encourage him to react and express his opinions.

The role of the parent with regard to television broadcasters. — Broadcasters are sensitive to the criticism of parents who should consider themselves to be their collaborators, advisers and informants. Parents should not merely express their disapproval but also their appreciation and praise. They ought to insist that those responsible for programmes bear in mind that television is watched above all in the home, and should stress the importance of maintaining a high standard of respect for the family, especially in week-end programmes.

LEGAL SECTION

BELGIAN LEGISLATION ON COPYRIGHT AND RIGHTS ANCILLARY TO COPYRIGHT

by A. NAMUROIS

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1. Some months before the Convention for the Protection of Literary and Artistic Works was signed in Berne, a system of copyright protection was instituted in Belgium with the statute of 22 March 1886.

Belgian law is patterned on the French concept of copyright; it considers copyright to be a natural right, and consequently the act of literary or artistic creation in itself confers rights on the author.

The Act of 1886 is still the authors' Magna Carta, and since it went on to the Statute Book the legislature has seldom seen fit to tamper with it, the result being that it does not contemplate the changes that have occurred in the communication of works of the intellect such as broadcasting, photography, the cinema, and gramophone records. Its remarkably broad approach has nevertheless enabled the Courts to keep up with developments in copyright as reflected in the several revisions of the Berne Convention. In so doing they have not always been immune from criticism, and we shall have occasion to note in this connection the laxity of the Supreme Court in its interpretation of the right of reproduction [1].

2. It is not the intention to analyse the contents of the Act of 22 March 1886, but rather to discuss certain of the Act's special features. Copyright is defined as a movable, assignable and transferable right, in accordance with the rules of the Civil Code. It is of a composite nature, some of the prerogatives being of a pecuniary character and some being extra-pecuniary.

The Act makes provision for the usual *pecuniary rights* —the performing and theatrical rights (Articles 15 and 16), the reproduction right (Article 1), the translation right (Article 12) and the right of arrangement in musical works (Article 17). Broadcasting a work, as well as public reception of the broadcast, have been held to constitute public performance [2]. The *droit de suite* was instituted by the Act of 25 June 1921 which imposes a duty on public auctions of works of art for the benefit of the author, his heirs or assigns [3].

The pecuniary rights are distinguished by the discretionary power the author possesses to decide whether and, if so, how, where and when they are to be exercised. They are absolute rights, or rights *in rem*, available against all comers, though certain restrictions are laid down in the Act.

Speeches delivered in deliberative assemblies, in public meetings or in open court may be published at will, but the author alone has the right to off-print them (Article 10). The expression "off-print" should be construed, according to the debates leading up to the passage of the Act, as meaning any publication *in extenso* in the form of a brochure, volume or corpus of works [4].

The Act of 1886 concedes the right of quotation provided that it is for purposes of criticism, controversy or teaching (Article 13), though it is applicable only in the field of literary works [5]. The Act further authorises newspapers to reprint articles published in another paper if they acknowledge the source, unless it is specifically mentioned that reproduction is forbidden (Article 14).

Droit moral appears to be covered in part by the Act; the reference is to the right to respect, since Article 8 forbids an assignee of copyright or of any thing embodying a work of literature, music or drawing to modify it for sale or commercial purposes, or to exhibit it after having modified it. Apart from this, unpublished literary and musical works are not distrainable, and neither are works of art during their author's lifetime until such time as they are ready for sale or publication (Article 9).

The *term of protection* continues for the life of the author and a period of 50 years after his death (Act of

[1] *Cassation belge* 19 Jan. 1956; *Droit d'Auteur* 1956, p. 58; Pas. 1956 I — 484.

[2] *Cass. b.* 12 July 1934 — Pas. I — 365.

[3] The duty is as follows : 2% from 1,000 to 10,000 B. frs.; 3% between 10,000 and 20,000 frs.; 4% between 20,000 and 50,000, and 6% above 50,000 frs.

[4] J. B. Renauld in *Journal des Tribunaux*, 1958, No. 4186, pp. 177 ss.

[5] *Cass. b.* 4 Dec. 1952 — Pas. 1953 I — 215.

1886, Article 2), the 50-year period being calculated from the death of the surviving author in the case of works of joint authorship (Article 5). In respect of posthumous works the 50-year term of protection extends from the date of publication, performance or exhibition of the work (Article 4), while in the case of non-official publications by the public services the term runs from the date thereof (Article 11), and in the case of designs and models made to the order of a corporate body, from the date of creation (Royal Order of 29 January 1935, Article 2). A word may be said of the Act of 25 June 1921 which extended the term of protection for a period of ten years, from 4 August 1914 to 4 August 1924, in the case of works published before the end of this period and which had not fallen into the public domain by 25 June 1921. Parliament did not take any comparable action after the last war.

The Act appears to have answered the question whether a corporate body can be *the first owner of copyright* in the negative. Copyright enures to public corporations in their publications (other than official records) unless the author has not made this copyright over to them (Article 11), but such conveyance of copyright is implied in the case of a public servant acting in pursuance of the duties assigned to him and for which he is remunerated [1]. Thus it is apparently only at second hand and on the strength of an express or implied assignment that a corporate body can become the owner of copyright.

Against this mention should be made of the explanatory memorandum preceding the Order in Council, No. 91 of 29 January 1935, concerning protection of industrial designs and models. It contemplates the case where the model or design is the work of one or more employees and is made for the account of a body corporate, and the memorandum states that the said body corporate is to be regarded as the creator and original owner. It is submitted that this theory could hardly be stretched to works other than industrial models and designs.

The *works protected* by the Act include literary works (writings of all kinds, but also lessons, sermons, lectures, speeches and any other oral expression of thought —Article 10), musical works with or without words (Articles 16 and 18), and " plastic " works, i.e. works of figurative art.

Special provisions to govern *industrial designs and models* are contained in the Order in Council, No. 91, mentioned above. Prior to 1935 models and designs, whether artistic or otherwise, might secure the benefit of the industrial property laws by the fact of deposit, and if they were of an artistic nature might also be protected under the 1886 Copyright Act. At the international level they might be covered by the Paris Convention, by the Berne Convention or by both at once, as the case might be; in addition, the Hague Arrangement of 6 November 1925, as revised in London on 2 June 1934, institutes the international deposit of industrial designs and models at Berne. The Order in Council (No. 91) abolished this legislation and brought all models and designs under the 1886 Copyright Act alone, making the deposit of purely industrial models and designs an optional matter.

Enforcement of this Order in Council was attended by a certain number of difficulties, particularly in international relations [2], and consequently some rather sharp reactions have been encountered, certain authorities favouring the abrogation of this legislation.

A few words are called for on the meaning attached to the expression " *publication* " in the Act of 1886. Whereas the Berne Convention defines it in the sense of the issue of copies, the Act uses the term " *publication* " to mean several different things (Articles 4, 9 and 38).

It does not seem as though any " presentation to the public " is a publication [3], and the stage or other performance or exhibition of a work, for instance, would not appear to constitute publication on our reading of Article 4 of the Act. It can however be said that Belgian law attaches a wider meaning to the notion of publication than the Berne Convention or the Universal Convention.

3. Although the 1886 Act is couched in general terms and thus allows the Courts to extrapolate upon it, Belgian authors nevertheless are not given such extensive protection under this enactment as that granted to foreigners under the Berne Convention.

The sensible thing would have been to look the facts in the face and prepare a new national copyright statute. Against this some argued that the legislator should confine his activities in this field to enunciating principles, which in their opinion is already done by the present Act, and also that it is the business of the Courts to make such applications of those principles as may be required by the march of events and the progress of technology.

Parliament seemingly fell in with this opinion to a certain extent. The Act of 27 July 1953 allows Belgians to claim the benefit of the provisions of the Berne Convention as revised in Brussels wherever these provisions are more favourable than Belgian law.

In this connection the legal theorists have undoubtedly made a contribution that is proving to be valuable [4], but the fact remains that the subject is not within everyone's reach, and it is a pity that the National Copyright Committee [5] has not yet embarked upon a complete overhaul of the copyright laws.

4. Shortly before the Brussels revising conference copyright legislation was enacted in the *Belgian Overseas*

[1] Brussels — 28 November 1898 — Pas. 1899 II p. 177.

[2] F. Gaspar : " Protection en Belgique des modèles étrangers " in *L'Ingénieur-Conseil*, 1955, p. 1.

[3] F. Gaspar : « Les notions d'œuvre publiée et de pays d'origine en droit d'auteur " in *L'Ingénieur-Conseil*, 1955, p. 16.

[4] Cf. P. Recht : *Le Droit d'auteur en Belgique*, Larcier, 1955.

[5] Set up by Ministerial Order of 1 June 1954, which requires it to advise the Minister of Education on " matters relating to literary and artistic property (copyright) and to prepare new legislation and regulations if required."

Territories (Congo and Ruanda-Urundi). Abuses were rife in these colonies; for instance, books by Maurice Maeterlinck published in pirated editions abroad during the war were on open sale in the Belgian Congo and works by native artists in particular were being exported and exploited free of any restraint. Having their part to play in artistic and scientific life, these territories could no longer remain a haven of contraband in intellectual works.

Copyright in these territories was recognised and protected by the decree of 21 June 1948, which is largely patterned on the Belgian Act of 1886, though it deviates from it on certain points which are not in keeping with the rest of the legislation in the Congo.

5. There are a number of enactments which protect the rights of foreign authors. In the first place, Belgium, along with seven other countries, acceded to the Berne Union on 5 December 1887, in pursuance of the Act of 30 September approving the Convention signed on the 9th of that month in Berne. The successive versions of the Convention were all approved by Parliament, as were the Additional Acts [1].

As regards the application of these enactments it should be remembered that the Act of 27 July 1953 entitles Belgian nationals to claim the benefit of such provisions of the Brussels text as may be more favourable than Belgian law.

It follows that a national of a Union country publishing for the first time in Belgium as well as in another country of the Union can claim the protection of the Brussels version in Belgium. It seems that this conclusion holds good even in the case of a national of a country which has not yet acceded to the Brussels version.

Among the other instruments that are binding on Belgium mention may be made of a few old treaties which no longer appear to be applied. These are the treaties with Spain (26 June 1880), the Netherlands (30 August 1858), Rumania (10 April 1910), Russia (18 December 1913) and Latvia (7 July 1925); the first three at any event appear to have been superseded by the Berne Convention.

Since 1903 Belgium's relations with the Republic of Argentina and Paraguay have been governed by the Montevideo Convention of 1889, which grants the author the protection of the laws in the country in which the work is first published or produced.

There is also the treaty concluded by Belgium with the United States of America by Presidential proclamation of 9 April 1910, a system based on the principle of " national treatment ".

The Universal Copyright Convention of 6 September 1952, which Belgium signed on 30 December 1952, has not yet come into force. A Bill of ratification has been tabled in Parliament and will probably have been passed into law by the time this article appears in print.

Cases that are not covered by any of the above-mentioned instruments are amenable to the provisions of Article 38 of the 1886 Act. The principle is that works by foreigners are protected in the same way as works by Belgians, but no more and no longer than is laid down in the national law of the foreigners in question; this is the principle of assimilation to national treatment, tempered as to the duration and nature of protection by the idea of reciprocity.

A few special remarks are called for in this connection. In the first place it must be emphasised that the *droit de suite* instituted by the Act of 25 June 1921 can only be claimed by nationals of countries that give Belgian nationals privileges recognised as being equivalent by an Order in Council (Article 4) [2].

It has been stated above that since 1935 designs and models, whatever their purpose and use, are protected solely under the copyright legislation; for designs and models of an industrial nature the test is whether they give a new appearance or an original shape to a product.

Accordingly nationals of countries in the Berne Union can avail themselves of the Berne Convention in this respect in Belgium, while nationals of non-Union countries are placed on the same footing as Belgians, subject to the reciprocity provisions of Article 38 of the 1886 Copyright Act, as amplified by the Act of 5 March 1921.

One issue, however, is still the subject of much debate—namely, whether the protection of foreigners under the Convention of the Paris Union has lapsed. In the case of artistic designs and models the reply would certainly appear to be in the affirmative, while the authorities are uncertain as regards industrial designs and models, and one writer favours the theory that the Paris Convention may be relied on when deposit (i.e. registration) has been effected [3].

6. As stated above, copyright in the Belgian Congo and Ruanda-Urundi is governed by the Decree of 21 June 1948. This enactment, unlike the Act of 1886 on copyright in Belgium (Article 38) did not make the protection of foreigners conditional upon reciprocity, for the simple reason that any inequality of treatment as between Belgians and foreigners would have fallen foul of the international law concerning the Colony, which guarantees nationals of States signatory to the Convention

[1] Act of 8 June 1897 approving the Additional Act and the Declaration on Interpretation drawn up by the Paris Conference (1896); Act of 23 May 1910 approving the Berlin text (1908); Act of 9 March 1921 approving the Additional Protocol signed in Berne on 20 March 1914 and amending Article 38 of the Act of 22 March 1886; Act of 16 April 1934 approving the Rome text (1928), and Act of 26 June 1951 approving the Brussels text (1948).

[2] An Order in Council of 5 September 1923 grants equivalent rights to those accorded to Belgian artists under the Act of 25 June 1921 to French artists whose works are auctioned in Belgium, and to their heirs and successors in title. To the writer's knowledge this is the only Order in Council existing.

[3] Th. Smolders : " Note sous Cassation le 20 décembre 1954 ", in *Journal des Tribunaux*, 1955, No. 4068.

of St. Germain-en-Laye the same treatment and the same rights as Belgians in matters of protection of their persons and their belongings [1].

Belgium has further adhered to the Berne Convention in the name of its Overseas Territories [2].

7. To sum up, it may be said that Belgian copyright law accords broad protection to the author.

It is to be regretted, however, that there have been some interpretations by the Courts which appear to overreach the intentions of the legislature, particularly on the subject of the right of reproduction. The writer is of the opinion that as the consequence of certain judgments by the Supreme Court *(Cour de Cassation)* a recasting of the law is called for, especially in the field of news and in that of designs and models. For their part the majority of copyright users view with apprehension the very unstable position in connection with the collection of mechanical fees, and hope that the authorities will bring the exercise of copyright under regulation by instituting an approval system (for collecting societies) and an arbitration tribunal.

Lastly, there are continual Parliamentary moves to introduce legislation on specific points. Some are judicious and others are not, but in most cases they are lacking in preparation.

In the writer's opinion, these facts point to the need for preparing, as has already been done in a number of countries, an up-to-date copyright statute which is in essence a reconciliation of interests that are equally deserving, which is so clearly worded that it will not allow of wrong interpretations and which will give foreign authors a firm base for the protection of their rights in Belgium.

8. Little need be said of *ancillary rights*, the reason being that there is no specific protection for performers, record manufacturers and broadcasting organisations in Belgian law.

The terms on which a *performer* is engaged are determined in a contract of service if the performer stands in a master-and-servant relationship to the employer. If this subordination does not exist the contract for services is generally adopted, and this is true even when the contract contains general instructions as to the manner in which it is to be executed. Against third parties the performer can rely on Article 1382 of the Civil Code, which deals with Aquilian responsibility.

Record manufacturers can look to the industrial property laws for protection against the copying of their products; they can for example sue on the grounds of unfair competition, but only within the limits of dealings between tradesmen [3]. Against persons other than tradesmen their best case is abuse of rights [4]. On the other hand, there is nothing in the law to give them a right of authorisation or even a right to remuneration when records are used on broadcasting or some other form of communication to the public.

As for *broadcasting organisations*, the only agency at present operating a broadcasting service (sound radio and television) is a public chartered corporation, the Belgian National Broadcasting Institute (INR) [5], although this Institute does not enjoy a monopoly, since the Minister of Communications has power to authorise other persons to make broadcasts [6]. The INR has no statutory right to license the re-broadcasting, recording or public performance of its broadcasts. On the other hand, no person may use a television receiver in places to which the public pays for admission without a licence from the Ministry of Communications, and the conditions attaching to such licence are laid down by the Crown [7]. As one of these conditions the Crown might conceivably reserve to the Minister the right to withhold certain programmes from public performance, but the debates on the Act indicate that the aim of the legislature was to get the promoters of public performances of television broadcasts to bear part of the cost of producing the programmes, and this is why the proceeds of the licences have been allocated to the INR, which meets the cost of these programmes.

Quite apart from this, it is the writer's belief that official licensing as a means of controlling public projection is not flexible enough for the end in view. In the majority of cases finding additional revenue is not the main consideration. Television organisations are continually up against promoters of sporting events and other shows, film distributors or cinema proprietors who refuse to let their programmes be televised for fear that the showing of these programmes in cafés or other places of entertainment will lose them some of their own public.

In this way television is cut off from the source of interesting programmes which it would be given if it had the right to forbid their performance in public. It is obvious that it would only be to its advantage to exercise this right in special cases and not as a general rule. It is for this reason that the official licensing procedure does not seem to be the best method, because it would be difficult, for reasons mainly connected with public law, to give it the necessary flexibility.

9. To conclude this article it may be of interest to explain the position of the Belgian Government on the two draft international Conventions on Ancillary Rights. These are the draft prepared by the Committee of Experts convened by the ILO (Geneva, July 1956), and the draft elaborated by the Committee of Experts arranged by

[1] Decree of 21 June 1948 — Explanatory Memorandum.

[2] Notifications dated 2 November 1948 for the Rome version and 14 December 1951 for the Brussels version.

[3] Order in Council of 23 December 1934.

[4] Depage : *Traité de droit civil*, I — No. 111.

[5] Act of 18 June 1930 to establish the INR.

[6] Act of 14 May 1930 on radiotelegraphy, radiotelephony and other radio communications.

[7] Act of 24 December 1957 on licence fees for radio receiving sets.

UNESCO and the Berne Bureau (Monaco, March 1957).

It may be stated at the outset that the Government's reply was drawn up jointly by all the interested parties and was fully endorsed both by the authors and by the prospective holders and users of these rights.

The Belgian Government considers it difficult to choose between the two drafts which, based as they are on divergent approaches, differ very widely. The Monaco draft tends to afford the " minimum " protection for the interests in question, and at the same time to leave a great deal of latitude to national legislation. The ILO instrument, on the other hand, is designed to promote through the grant of a sufficiently high standard of protection, uniform legislation applying both to nationals and foreigners, thus avoiding disparities of treatment which, with the principle of reciprocity, would create legal insecurity that would be detrimental to all.

The Government thus considers that the ILO draft should be taken as the basis for the future discussions, subject to modifications on certain points along the lines of the Monaco draft. It likewise is of the opinion that before the international conference is convened a Committee of Experts should be called together with the task of drafting a single text. This Committee should be composed of delegates not only of Governments but also of all the professional organisations concerned.

Finally the Government expresses the hope that international machinery of a tripartite character (i.e. Governments, employers and workers) will be set up to supervise the implementation of the future Convention in agreement with all the international organisations concerned.

Addendum — Freedom of information

After this article was written, the Copyright Act of 11 March 1958 modifying that of 1886 was published in the *Moniteur Belge* (No. 127, 7th May 1958).

In pursuance of the right accorded to national legislators in Article 10*bis* of the Berne Convention, this Act is devised with a view to removing from the control of the author reproduction, recording and public communication of short extracts from literary and artistic works for the purpose of reporting current events by means of photography, cinematography and radiodiffusion (sound broadcasting and television).

Likewise, the Act of 11 March removes from the control of the author reproduction and public communication of " plastic works " [1] in their entirety, but only insofar as the exigencies of information require.

[1] " Plastic works " in Belgian law and legal practice being taken to mean all works of the figurative arts.

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NEWS AND INFORMATION

BELGIUM

Amendment of Copyright Act. — Having regard to Article 10 *bis* of the Berne Convention as revised at Brussels, which allows certain restrictions on copyright in the interests of news, the Belgian Parliament has just adopted an Act to insert an Article 21 *bis* into the Act of 22nd March 1886. The new Article is worded as follows :

" The author's permission is not required for the reproduction, recording and public communication of short extracts from literary or artistic works made for the purpose of reporting current events by means of photography, cinematography, sound broadcasting or television.

The same applies to the reproduction and public communication of works of plastic art in their entirety, but only within the limits of news requirements."

While the first paragraph of the above text is a literal copy of Article 10 *bis* of the Berne Convention, the second paragraph (limited, it is true, to plastic works, or in other words works of figurative art) goes somewhat beyond it—it allows entire works to be reproduced and communicated to the public in certain cases. This departure, which causes little or no hardship to the authors of the works in question, is easily explained when one considers that partial reproduction or communication is almost inconceivable with this class of works, and furthermore if such partial reproduction were effected it would be liable to clash with the author's moral rights. Incidentally, Belgian law is not the first to extend freedom of information to complete works. Section 9 of the British Copyright Act, 1956, likewise speaks of works in their entirety, and so do the German copyright bills.

The above Act, dated 11th March 1958, is published in the *Moniteur* of 7th May 1958 and is discussed in the article that appears above in this issue of the *Review*.

FRANCE

Protection for Theatrical Staging. — Although film producers have long had a copyright to protect their work in several countries of the Berne Union, their counterparts on the stage have seldom had much change from the courts. Indeed, theatrical *mise en scène* is not mentioned in Article 2 of the Berne Convention, which is content to include among the productions that are eligible for protection " choreographic works and entertainments in dumb show, the acting form *(mise en scène)* of which is fixed in writing or otherwise ". With the coming of television, however, the problem of protection for the theatrical producer has gained in prominence, and for this reason it will be of interest to read the operative paragraphs of the judgment rendered on 5th February 1958 by the Paris Court of Appeal, as reported in the *Recueil Dalloz* for 25th March 1958 :

" While the producer may enjoy a pecuniary copyright in the case of extravaganzas or spectacular revues, in which the staging takes pride of place over the manuscript and the musical accompaniment, it would be impossible, apart from exceptional cases, to allow a pecuniary right to the producer of an operetta or musical comedy, a type of show in which the libretto and the music predominate, and in which the producer cannot be regarded on the strength of his work as having a share in the creation of the joint work;

Nevertheless, the producer's rights in his work might be protected if he were the author of an original creation, an exceptional hypothesis in the case of a musical comedy, where the producer is a prisoner of the action and stage directions given by the authors;

In particular, any action in damages by the producer of a musical comedy against the company publishing the libretto, which gave a few instructions regarding staging for later performances of the work, must fail when the producer does not furnish proof of the existence of his work whereby the genuineness and the substance of his original creation can be appraised, notably by producing, in accordance with Article 2 of the Berne Convention, the fixation of the acting form in writing or otherwise, *i.e.* in photographs or drawings, and when he further fails to establish that his work is identically the same as the work he brands as a piracy;

. . . whereas in fact the company publishing the libretto merely intended the stage directions it gave on the various scenes to provide a canvas for entertainment promoters, since details of staging necessarily vary from theatre to theatre according to the possibilities of the stage and the talent available."

The reader will have noticed how reluctant the Court is to allow theatrical staging to qualify for protection, and how careful it is to see that the scope of such protection is not too wide.

It may be mentioned that the same judgment is also reproduced in the *Gazette du Palais* for 1st and 2nd May 1958.

GERMANY (Federal Republic)

Rights of the Phonographic Industry. Judgment of the Court of Appeal. — Before summarising the

recent judgment of the Court of Appeal, which gives an extremely precise definition of the legal position of record manufacturers in Germany, a few words should be said on the background of the case, which has several times been the subject of articles in these pages.

It was reported in the *EBU Bulletin*, No. 33, p. 538, that the record industry had brought an action against a café proprietor in order to assert the right of authorising or forbidding the public use of records, in respect of which it claimed to be the assignee of the fictitious copyright vested in the performers under Section 2, paragraph 2, of the Copyright Act. It was further announced in the *EBU Bulletin*, No. 46, p. 704, that this action had given rise to a second suit by BIEM and GEMA against the industry for a declaratory judgment that the manufacturers were not entitled to control public performances by means of records.

The first action was decided by the Berlin *Landgericht*, which found for the industry (the plaintiffs) in a judgment delivered on 2nd January 1958. Previously to this, on 21st March 1957, the same Court had dismissed the application by BIEM and GEMA. These two judgments were discussed in the *EBU Bulletin*, No. 46, p. 704, and in the *EBU Review*, No. 48 B, p. 28.

Appeals having been lodged against both judgments, the Berlin *Kammergericht*, or Court of Appeal, handed down a judgment on 4th February 1958 reversing the decision of 21st March 1957 concerning the suit of BIEM and GEMA versus the industry, the other action between the manufacturers and a café proprietor not having yet come up for hearing.

The judgment of the Berlin Court of Appeal, which is very closely reasoned, is based on a line of argument that is novel in certain respects and deserves a careful study, even though recourse to the Supreme Court is still possible.

The application by BIEM and GEMA for a ruling by the Court to the effect that the record manufacturers possessed no performing rights in their records, or alternatively for an injunction to restrain the manufacturers from licensing (at a fee) the public performance of records embodying works in the GEMA catalogue, rested chiefly on the following submissions :

(a) The defendants had never before attempted to control public performances from records. The action against the café proprietor before the Berlin Bench was the first move made by the manufacturers to secure a right of authorisation and prohibition in respect of the public performance of records, a right which they claim to have as the assignees of the performers;

(b) It was on account of this action that the GEMA and the BIEM were compelled to apply for a declaratory judgment, in view of the fact that the fictitious copyright *per* Section 2 (2) of the German Copyright Act was only a defective right which, as distinct from copyright proper, consisted only of the right of reproduction and not the right of public performance;

(c) In addition, BIEM's contract with the manufacturers gave them a mechanical reproduction right which was limited to private uses alone (except in the case of broadcasting). In consequence of this the manufacturers had not contractually acquired from BIEM the mechanical right for public performance, the less so because BIEM was not itself in a position to transfer such an extensive right, since the performing right had not been transferred to it by GEMA, which continued to hold it itself.

(d) In any event, the defendant manufacturers could not rely on Section 2 (2) because in many cases the performers had not assigned their rights to them, and instead had made them over to their trade union, the *Orchestervereinigung*, as was shown by the intervention of that organisation in the parallel case by the defendants against a café proprietor.

The manufacturers replied that since a recent judgment by the Supreme Court there could no longer be any doubt that the fictitious copyright granted to the performers was every bit as complete as copyright proper. Not only did the BIEM contract not debar the manufacturers from exercising this right, but the BIEM had hitherto never objected to the fact that the phonographic industry in Great Britain, Denmark and Norway actually enforced its performing right and exacted royalties from users. Lastly, referring to the long-standing decision of the *Reichsgericht* in the matter of broadcasting from records, the manufacturers took the point that their acquisition of the performers' rights could be an implied transaction, and that even without an express clause the performers had not withheld any part whatsoever of the rights deriving from Section 2 (2) of the Act.

As stated above, the lower court dismissed the BIEM-GEMA application, citing the grounds that were briefly set out in the *EBU Bulletin*, No. 46, p. 704.

Giving judgment on 4th February 1958 the Court of Appeal reversed the *Landgericht* judgment and decreed that the defendant manufacturers were henceforward to refrain from *licensing* at a fee the public performance of records embodying GEMA works, even if they were the assignees of the performers' rights.

As against this the manufacturers may *prohibit* the use of records in public without reference to GEMA, and in the event of infringements they could sue in damages and move the Courts to enjoin such unauthorised performances.

In essence this subtle and at first sight contradictory ruling is founded on the following major findings :

1. It follows from the records of proceedings in Parliament that the right brought into being by Section 2 (2) is comparable in its content to copyright proper, an opinion that is borne out by a painstaking analysis of Section 22 *(a)* of the same Act, which provides that in

certain cases permission is not required for public performances by means of mechanical contrivances reproducing sounds that have been manufactured lawfully. The fact that this privilege lapses as soon as the terms of Section 22 *(a)* are no longer met indicates in itself that but for this exception copyright, together with the right of the performer as a fictitious adapter, includes *ab ovo* both the reproduction and the performing rights.

2. The economic considerations do not detract from the strength of the foregoing argument. While it is correct to say that regard must be had to the authors' concern to prevent any drop in the sales of records, it must at the same time be recognised that for the manufacturers to collect royalties from public users of records would not have serious consequences on the authors' receipts. One has to remember that the authors too derive a profit from the use of records in public, a profit which is additional and supplementary to what they used to get in the past out of performances of their works by orchestras. Thus, even if the royalties collected by the manufacturers were to reduce the number of public users of records, it would nevertheless be true that by comparison with the past the authors' income has increased in the aggregate due to the use of records which take music into places where a live orchestra would never have been employed.

3. The right derived from Section 2 (2)—which is coextensive with copyright proper—originates in the performer and is transferred to the manufacturers. Accordingly, the legal position of public performances from records is as follows, apart from the exceptions covered by Section 22 *(a)* :

(a) anyone using records in public requires a licence from GEMA, as the holder of the copyright in the original work;

(b) he must further secure a licence from the manufacturer of the record he intends to use.

However, the manufacturer may not grant his licence independently of the GEMA licence because the manufacturer's right is a right at second hand or an adapter's right which is ancillary to the principal right held by GEMA. The legal relationships existing in this connection are as follows :

The holder of the fictitious adapter's copyright (i.e. the performer or his assignee, the manufacturer) may not enforce his performing right except with the consent of the holder of the principal copyright. On the other hand he is entirely at liberty to prosecute any infringement of his rights, to sue in damages and to ask for an injunction against any unauthorised activity.

4. As regards the exercise of the right of authorisation for which the manufacturer needs the consent of GEMA, the subordination is the result of the usual status of an adapter in relation to the author of the work he has adapted. As a general rule a genuine adapter cannot turn his adaptation to account without the approval of the author of the original work, and the principle applies *a fortiori* for the purposes of Section 2 (2), where the adaptation is only a fictitious one.

(a) It may however be asked whether the mechanical licence given to the manufacturers by BIEM does not already imply the additional consent needed for the exercise of performing rights by the manufacturers. After scrutinising the contents of the contract between BIEM and the defendant manufacturers, the Court found that the contract does not convey this additional consent, for one thing because BIEM, which was only the holder of the mechanical rights, was unable to grant licences that came under the heading of performing rights. The Court cited various clauses from the contract between BIEM and the industry in support of this argument.

(b) Another question which might arise is whether GEMA has not " stripped " this right of consent without which the manufacturers cannot exercise the performing rights, or whether their enforcement of it is not contrary to public order. The Court replied in the negative to both questions. The contracts by which GEMA authorises third parties to use its repertoire in public do not confer any power on the industry to exercise the performing rights on its own, since these contracts are required in all cases, whether records are involved or not. Moreover, in nearly all cases the tariffs charged by GEMA are the same, whether the performance in public is effected with the aid of records or given by performers in flesh and blood, a fact which confirms that the licences it grants do not include the authorisation needed by the manufacturers to enforce their copyright.

For GEMA to require the manufacturers to obtain its consent before they can exercise their performing rights does not constitute an abuse of rights, and hence is not contrary to public order. All it is doing is exercising a right reserved to it in the contract between BIEM and the manufacturers; and, even apart from this contract, GEMA stands in law to the manufacturer in the overriding position of the author of the original work faced with the author of an adaptation.

5. As stated above, the manufacturers in their turn have power under the law to enforce an independent right of prohibition against any public user of records, irrespective of the attitude of GEMA, and this right includes the possibility of claiming damages and the cessation of unauthorised performances. These are rights which belong to the manufacturers in their own right, and which they did not part with in their contract with BIEM. Exercise of these rights cannot *a priori* be regarded as improper, unless it is proved that they have been utilised systematically to the detriment of GEMA.

In conclusion the Court stated that the normal procedure would be for the two parties, *i.e.* the manufac-

turers and GEMA, to get together and agree on the exercise of the two sets of performing rights which every public user of records requires in order to keep on the right side of the law.

On the whole it looks as though the Federal Court will have to give the final judgment. We have made a point of giving a succinct but comprehensive report of the judgment in the Court of Appeal on account of its considerable interest and the original nature of the grounds adduced therein.

Further Analysis by the Courts of Performers' Rights. — The Berlin *Kammergericht* announced on 21st March 1958 its decision in the case of *Deutsche Orchestervereinigung v. Sender Freies Berlin* (a broadcasting organisation), a report on which appeared in the *EBU Bulletin*, No. 45, p. 637. The position was that Sender Freies Berlin had been cited by the musicians' union for having recorded a show given at the Berlin Municipal Opera House, broadcast this recording and enabled other broadcasting organisations to broadcast it, all without the authorisation of the musicians. In giving judgment on 8th July 1957 the *Landgericht* of Berlin had already once made a detailed analysis of entitlement to the fictitious copyright created by Section 2 (2) of the German Copyright Act, and had come to the surprising conclusion that this right vested not only in the conductor and the soloists, but also in each individual musician, even if his contribution was as slight as that of the man on the drums.

On appeal the Berlin *Kammergericht* on 21st March 1958 upheld the findings of the lower court. Several of its consideranda are worthy of note :

The Court found that Section 2 (2) of the German Copyright Act brings a copyright into being only from such time as the performance is recorded. It was however of the opinion that there is nothing to prevent even " live " performances from being protected against unauthorised recording, and granted to the performer in passing a degree of protection that goes far beyond that contemplated by the legislature in 1910. Not oblivious of this extrapolation, the Court explained that the explanatory memorandum to the 1910 Act contains nothing to suggest that the legislature intended to place the performer in a less favourable position in respect of his living performance than when his performance has been recorded.

Turning to its analysis of the persons in whom the copyright thus enlarged will vest, the Court was of the opinion that the consent of the conductor alone could not legalise the use of the performance, and that the authorisation of all the musicians was also required. In support of this view the Court noted that without the playing by the orchestral musicians it would be impossible to tell what the conductor's contribution was at all, and hence the co-operation of the musicians was of the essence. In any case, the Court felt, the wording of Section 2 (2) clearly indicated that the legislature had not intended any discrimination between the contributions of conductor and orchestra, because it did not stress the personal nature of the performance as a condition for protection, though this personal note is emphasised when the recording is made by some mechanical process such as perforation, die-stamping, attachment of pins in musical-boxes, etc. Lastly, the Court observed, if the opposite were the case there would be no protection when a good orchestra was conducted by a bad conductor unable to leave his *cachet* on the performance.

On the subject of relations between the conductor and members of the orchestra, any use of the performance necessitated unanimity, this being in the Court's opinion a case of jointly-held property.

To its assessment of the problem the Court added the further remark that unanimity must reign not only as between conductor and members of the orchestra, but also singers and choirs as well.

It may be expected that the Federal Court will be moved to give a final decision on the serious problems raised by the *Kammergericht* judgment, especially as the Munich Court of Appeal only recently delivered a diametrically opposite judgment (cf. *EBU Review*, No. 48 B, p. 27).

Protection of Performers against Public Reception of Broadcasts. — A report appeared in the *EBU Bulletin* No. 44, p. 464, of a judgment by the Düsseldorf *Landgericht* dismissing a petition by the *Deutsche Orchestervereinigung*, a performers' trade union and the assignee of the rights of its members, for an injunction to restrain three catering establishments (a hotel, a café and a restaurant) from playing sound and visual broadcasting programmes in public without the permission of the musicians taking part in the programmes thus played. It will be recalled that the lower court restricted the issue from the outset to broadcasts previously recorded by the broadcasting organisations themselves, holding that no protection could be claimed in the case of " live " performances; and broadcasts of commercial records were kept out of the case by the plaintiff organisation itself. The Court came to the conclusion that Section 2 (2) of the Copyright Act, while affording protection to the performer in respect of the sound recording of his performance as if the recording was an adaptation of the work performed, operated only against a person physically using the said recording, since it was ultimately this recording which the law regarded as being the copyright adaptation. In so doing the Court sought to keep the protection of performers within reasonable dimensions, and above all not to allow those enjoying such protection to prevent the playing of broadcasts in public, to the detriment alike of the public and the authors of the broadcast works.

The Düsseldorf *Oberlandesgericht*, giving judgment on appeal, turned out to be less solicitous of the interests of authors and the public. It reversed the judgment of the lower court, enjoining the three defendants from

allowing WDR, NDR and NWRV broadcasts to be heard in public if the orchestras or choirs named in the writ were appearing in the broadcasts and if their consent and that of their conductors had not been obtained beforehand.

We shall have to wait until the full text of the judgment (which was delivered on 2nd May 1958) is available to know the full grounds for this decision whose repercussions may prove to be serious for the public interest and for the interests of the authors in particular.

In any event, we note that leave to appeal to the Supreme Court has been granted, and that in all probability the defendants will avail themselves of it.

ITALY

Unauthorised Use of the Title of a Broadcast. Supreme Court Judgment. — How to protect the title of a broadcast programme from being used in activities that have nothing to do with the broadcasting organisation has often given our members food for thought, in their desire to prevent the title from appearing on billboards for shows featuring performers or troupes of performers who may have acquired some fame on the radio, and from being exploited for their benefit, thus creating some confusion in the minds of the public. Hitherto there have not been many judicial decisions on the subject as far as we are aware, and this is why the judgment reported below is of some interest.

In 1951 an entertainment promoter entered into a contract with a troupe of performers whereby he became the " *concessionnaire* " of this troupe for a period of twenty days in return for a lump-sum payment per day. The performances by this troupe were billed under the title " *Radio Roma trasmette* ", a title then in use by the RAI for one of its biggest daily programmes. The RAI thereupon sought to prevent the show from being given and advertised under this title. The *concessionnaire* brought an action against it for damages, and the RAI replied with a counter-claim based on the unfair competition which it thought was discernible in the plaintiff's way of doing business.

In the first hearing the Palermo Court of Justice found for the plaintiff, holding him to be a mere organiser of entertainments who assumed no responsibility for their contents. The Court also dismissed the counter-claim by the RAI.

This judgment was reversed by the Palermo Court of Appeal, which dismissed the plaintiff's action and allowed the counter-claim by the RAI. On appeal from this decision the Supreme Court on 12th October 1957 delivered a ruling that is reproduced in the January/February 1958 issue of the excellent *Rassegna di Diritto Cinematografico* edited by Mr. Auguste Fragola.

The Court's judgment is based mainly on two considerations. In the first place, it was held that the use of the title " Radio Roma trasmette " by the troupe fell within the provisions of the law on unfair competition by the mere fact that this title created confusion in the minds of the public, even though the RAI and the *concessionnaire*, the plaintiff in the original action, were not competing firms in the strict sense of the word.

In the second place, the Supreme Court took the view that a person who secured the services of a troupe and became the " *concessionnaire* " of that troupe assumed full responsibility for the venture, even if he was not the owner of the facilities used and had no influence on the organisation of the troupe.

The Court added that the fact that official licences were issued to the *concessionnaire* did not change the situation, as this could not regularise acts which were liable to infringe the rights of others.

NETHERLANDS

Judgment by The Hague Court in BUMA v. Netherlands Government. — A report appeared some time ago in the *EBU Bulletin* (No. 27, p. 396) of a judgment by the District Court of The Hague on a petition by BUMA, the Dutch authors' society. The Court ordered the Netherlands Post Office Department, in other words the Netherlands Government, not to rediffuse (by wire) Dutch or foreign radio broadcasts using works in the BUMA catalogue unless licensed to do so by BUMA.

Giving judgment on 28th November 1957, the Court of Justice of The Hague, sitting as a Court of Appeal, upheld the decision against which the appeal had been lodged and concurred in the reasons given by the lower court.

The Court of Appeal found, among other things, that wire broadcasting as conducted in the Netherlands, far from being a mere device to improve reception by private listeners constituted a " secondary communication to the public " which required a further licence from the author or his representative. This applied although the Netherlands had not yet ratified the Brussels version of the Berne Convention, Article 11 *bis* of which mentions for the first time the further communication of broadcasts to the public as being one of the author's rights. The Court was of the opinion that the Post Office Department, being separate from the organisation originating the broadcast, effected a communication to the public on its own account, and that this fell within BUMA's exclusive rights. It held that no legal importance attached to the fact that the NRU paid BUMA a flat rate of 0.34 florins per year for each listener's licence, irrespective of whether the listener was a wireless listener *stricto sensu* or a subscriber to wire broadcasting.

There is a possibility that the Netherlands Government will take its appeal to the Supreme Court.

BOOK REVIEWS

Das Tonband und seine Stellung im Recht. By Georg Roeber and Jürgen W. Werhahn. Baden-Baden, Verlag für Angewandte Wissenschaften, 1957.

In the series of monographs published under the auspices of the *Archiv für Urheber-, Film-, Funk- und Theaterrecht* (Ufita) Mr. Georg Roeber, the distinguished and active editor of this magazine, has put out a treatise on the subject of tape recordings of sound in which he gives a very penetrating and well documented analysis of the legal problems that have grown up around this recent invention. To help him carry his project into operation Mr. Roeber secured the valuable assistance of a Stuttgart barrister and doctor of laws, Mr. Jürgen W. Werhahn. The two authors split the work up between them, and while the former dealt with magnetic tape primarily as a contrivance for recording and propagating literary and musical works, the latter turned his attention to the personal subject of the recordings, who will often be an author in association with a performer, but may also quite frequently be a private individual whose conversation is put on to the magnetic tape (as in the case of a business conference). Indeed, for the purposes of safeguarding personal interests, the latter case is the more important, because the literary and artistic property laws already protect the author's moral rights, and to some extent those of the performer as well.

In Germany, the country the two jurists have uppermost in their minds, the apparition of sound tapes broached a serious question of copyright : can a private person make a tape of a copyright work for his own use, and can he, to achieve this end, rely on Section 15 (2) of the Literary and Musical Copyright Act, which sanctions copying for personal use, so long as no pecuniary motive is involved ? Is the owner of a tape recorder who records a performance that has caught his fancy thereby committing an act contrary to copyright ? — Opinions were divided. " Inside his own four walls everyone should be able to make what use he chooses of other persons' works, copyright or not "—so ran one argument, founded on the principle that only the use of the work in public is reserved to the author. The rule of inviolability of domicile stands in the way of any search of citizens' homes to see whether they are harbouring copies of works that have not yet fallen into the public domain. Eminent lawyers retorted that the law in Germany does not limit the author's rights in his works to public uses, and that the right of reproduction in particular is absolute, apart from a few restrictions expressly provided for by law. This opinion carried the day in the Karlsruhe Supreme Court, thus enabling the Court to place a strict construction upon the above-mentioned Section 15 (2), and to rule that private tape recording was not covered by the exception, which was allowable only for hand copying.

In the space of this brief review it is not possible to go into the details of the arguments that commended themselves to the Bench in Karlsruhe (which incidentally were not those of the draftsmen of the 1954 *Referenten-entwürfe*); but it must be admitted that there is nothing in German law to support the view that the author's prerogatives operate only in respect of the various public modes of exploiting the work. There is no general rule to this effect, merely a few special rules relating for instance to the public performance and acting of musical and theatrical works and the public recitation of unpublished literary works. The right of reproduction, on the other hand, is guaranteed irrespectively of any public disclosure. Nevertheless, it is this element of " publicity " (using the word in its original sense) which enables the pirated reproduction to be detected. Or shall we countenance an intrusion upon our private affairs ? And if so, in what form ? The late Professor de Boor, who forcefully upheld the theory which the Federal Court adopted, confessed that this was a regrettable thing to do, and it would be difficult not to agree with him. For my own part I would sooner not have copyright poking its tentacles into the private life of the users. In countries where the home is inviolable public disclosure is implied in any efficient and comprehensive policing of tape recordings. Admittedly, the uses that can be made of a tape recorder make it a not altogether innocuous instrument; instead of buying a record people can make their own recording from any performance whose subject and quality have appealed to them. This process, which to-day is little used, may become the usual and profitable thing later on, and the authors will feel the draught. Technical progress, however, by vastly increasing the opportunities and the vehicles for the dissemination of literary and artistic works, entails an extensive circulation of incorporeal values which in the long run profits everybody—not only the user, but also the author, the performer and the publisher (including the record manufacturer). If humanity develops the habit of " consuming " works more and more often and in growing numbers, mass demand will operate as a compensating factor, and I for one would be all for banning any interference in the private sphere !

Be this as it may, the German Courts have now decided differently, and it is only to be expected that the legislature will fall into step with the Bench when the law comes up for revision. (I fancy that Mr. Roeber's opinion is not far removed from my own, but I would not like to be too categorical on this point.)

The tape recorder and its magnetic tape are not used solely to record works; they also pick up speech, inde-

pendently of whether this is right or wrong from the copyright point of view. We must then inquire whether the clandestine recording of what is said in the family circle or under the cloak of professional secrecy is not an invasion of the privacy of a person who honestly believed he was speaking confidentially. Here it must be admitted that even without public disclosure, recording is an encroachment upon one of the attributes of personality, the *Geheimsphäre* of the Germans, or in other words the right of every individual to set limits upon the extent of his intervention in the outside world. We cannot but approve the resolution passed by a gathering of lawyers known as the " Weinheimer Tagung ", which stated that clandestine recordings implied a grave breach of confidence *(schwerer Vertrauensbruch)*. Everyone should realise, the resolution went on, that such recordings and the uses made of them are reprehensible. Granted ; but now we are faced with a difficulty paralleling the previous one. How can one prevent the recordings that remain unused, and are thus potentially rather than actually unlawful ? The question did not escape Mr. Roeber. He writes, " The clandestine character of a magnetic sound recording that has nothing to do with copyright is not in itself against the law, despite the invasion of privacy it involves. It is important to have regard to the intended use and to weigh the pros and cons ". Mr. Werhahn is more forthright : " We must lay down the principle that any clandestine recording is an unlawful invasion of the personal rights of the person whose remarks are recorded."

It will be noticed that the two authors do not entirely see eye to eye, though far be it from me to blame them for it. Mr. Werhahn takes his stand on the constitutional law of the Federal Republic of Germany and arrives at conclusions that eminently satisfy conscience and common sense. Mr. Roeber is less trenchant; he does not balk at subtlety, but he is to be congratulated on sticking close to reality, complex though it usually is. His approach is an example of the incursion of ethics into law, a phenomenon which is all the more frequent as communities become more highly developed. Shorn of coercion, the commandments of law tend to merge with the precepts of ethics. Messrs. Roeber and Werhahn demonstrate the transition from the former to the latter in a limited field, but one that is of outstanding interest and which will become even more topical as time goes on. What I have said about it is sadly incomplete, much to my regret. But at least I hope to have whetted the reader's appetite to discover the remainder.

B. M.

Das Urheberrecht an Werken der Literatur. Collection prepared by L. M. Azow and S. A. Schazillo. Berlin, VEB Deutscher Zentralverlag, 1956.

A collection of Soviet copyright enactments translated by Elvira Haas and Heinz Wiesner, under the supervision and direction of Johannes Laussmann. This publication is a plentiful and authoritative fount of information, and both translators and authors deserve our thanks for their work. Little is known of Soviet copyright abroad, particularly in countries where Communist ideas have little currency. But it is always a good thing to get to know other people's doctrines, especially those of one's ideological opponents, if only to combat them more effectively and to discover what constructive elements they may contain.

The Soviet régime did not choose to ignore copyright altogether—a point of some interest. The individual, in his capacity as the creator of literary and artistic works, was not banished from the Communist scheme of things. The basic statute on the subject, dating from 16th May 1928, bears the title of *Principles of Copyright*, and is operative throughout the entire Union of Soviet Socialist Republics (USSR). Special legislation was subsequently enacted in several of the member republics of the USSR.

The fundamental idea that guided the lawmakers is simply this—the interests of the State and the people must be in unison with those of the author. The reader will notice that this starting point is not basically at variance with that adopted by the Western countries. It is nowadays common ground that it would be wrong for copyright to look to the author's interests alone, to the exclusion of all else, and that the community too deserves protection in its legitimate desire to enjoy works which, after all, were composed for its benefit. It is all a question of proportion. What balance is achieved between the creator and the public will depend on whether the welfare of the former or the advantage of the latter is the primary consideration. In Soviet Russia works may not be published without the author's consent (during the term of protection), a rule that everyone will agree with. But then it appears that once a work has been published, translation into another language is permissible without a licence. Here we have a divergence of views. The Western countries consider that translation rights are an integral part of copyright, which would lose much of its effectiveness if publication in languages other than the original were beyond the author's control. The Russians take the view that the author's position is adequately safeguarded by giving him the sole right of publication (meaning first publication). In theory it is not altogether silly to maintain that an author who has of his own free will made his work public has in effect left it to the tender mercies of the community. In practice, however, this presumption of relinquishment would lead to a dangerous forfeiture of the author's individuality in favour of the public at large, in view of the fact that the ways of turning works to account are steadily increasing in number and moving apart under the influence of technological progress. It thus becomes essential to reverse the above-mentioned presumption, and this is what Western copyright laws have done. So there is East-West antagonism in the field of literary and artistic property just as there is

elsewhere. But it is not the uncompromising opposition of black and white.

In this short notice space will not permit us to give even a sketchy analysis of the copyright system in Soviet Russia, and we must confine ourselves to mentioning the material brought together in this skilful compilation by Messrs. Azow and Schazillo. The basic statute of 16th May 1928 is followed by the Ordinance of 8th October 1928 of the RSFSR, the largest of the federative Soviet republics in the USSR. This enactment contains, among other things, general provisions on the publishing contract which are of great importance on account of the very extensive powers they confer on the public authorities. The RSFSR legislation permits the expropriation of copyright subsisting in any work published for the first time on the territory of this republic or existing therein in manuscript form, in the form of sketches or in any other " material shape ". Compensation must be paid, but it seems that it is assessed unilaterally by the authorities. In this way the works of a considerable number of writers have been monopolised for official exploitation. This rather peculiar roll of honour of course includes the biggest names in Russian literature—Gogol, Dostoievsky, Pushkin, Tolstoy, Turgeniev, Chekov and others. (In cases where the nationalised author is dead, the compensation is paid to the heirs.) Composers of music are also affected by such expropriation, among them Tchaikovsky, Borodin, Mussorgsky, Rimski-Korsakov and A. Rubinstein. Clearly, if the individualist principle underlying copyright is not repudiated outright in Russia, it nevertheless is subject to what are sometimes very appreciable restrictions in that country. It may be added that works written in foreign languages, whether published on RSFSR territory or elsewhere, may be declared a State monopoly as regards the right of translation into Russian. The object behind all this is clear—the people must be allowed to enjoy works of the intellect; if there is any conflict between the author's sovereign powers over his work and the desire of the community to enjoy his work without too much hindrance, the Soviets resolutely give priority to the interests of the community from the outset. I say " from the outset " advisedly, because the Western approach also gives primacy to considerations of a general nature, but only upon the expiry of the term of protection; the Russian outlook, on the other hand, is never entirely on the side of the individual, since it provides for expropriation, *i.e.* the abolition of the author's exclusive rights, during the term of protection.

The basic laws of the USSR and the RSFSR of 16th May and 8th October 1928 are supplemented by additional provisions concerning the standard publishing contract, and by a series of rules relating to author's fees and the conditions of service of painters, sculptors, architects, illustrators, journalists and teaching personnel (lecturers, teachers and travel guides). In addition to the legislation proper the collection contains many references to court decisions which, as in France, Germany and Switzerland, are not binding outside the case in point, as they are in certain instances in English law.

The purpose of the two authors was chiefly to provide a work of reference for those professionally concerned with publishing affairs in Russia, as is shown by the alphabetical table of contents, which provides these practitioners with a ready means of consulting the collection with profit. But experts in comparative law and international law outside Russia will also be glad to have a reference work on the subject of copyright in a German translation which will throw open a window on to one of the largest countries in the world, whose contribution is one of outstanding value, particularly to literature and music.

B. M.

Die rechtlichen Grundlagen des Programmdienstes im schweizerischen Rundspruch- und Fernsehwesen, unter besonderer Berücksichtigung des Problems der Radiofreiheit, by André Baumann, Doctor of Laws.

With reference to the review published in *E.B.U. Review* No. 48, we have received from our eminent contributor the following letter which we are glad to publish *in extenso* :

La Tour de Peilz, 29th April 1958.

To the Editor

Dear Sir,

An error of some magnitude slipped into my review of Mr. Baumann's thesis on broadcasting (cf. your April 1958 number, page 34). I stated on more than one occasion that Article 36 *bis* of the Swiss Constitution relating to broadcasting had been adopted. This was in fact precisely the opposite to what took place, as the voting resulted in a rejection of the Article. How could I have made such a mistake ? I shall not attempt to make excuses but simply state the fact and hope that by acknowledging my error here I may crave a certain indulgence, which may well be tempered with irony in the circumstances.

From the point of view of sense, I may have less reason to blush. In the continuing absence of a coherent legal structure, the temporary solution must perforce subsist, and the longer it does the better one feels able to invoke attenuating circumstances in its favour.

Please accept, Sir, my sincere apologies and kindest regards.

Bénigne Mentha.

E.B.U. ACTIVITIES

MEETING OF CHIEF EDITORS OF TELEVISION NEWS SERVICES

This first meeting was held in Amsterdam from 10th to 11th March 1958 at the invitation of Mr. Rengelink, the representative of the Nederlandse Televisie Stichting (NTS) on the Bureau of the Programme Committee, and was attended by delegates from 15 active and associate member organisations of the EBU.

A considerable amount of preparatory work was undertaken by the EBU Administrative Office in the way of collecting by means of questionnaires any information which might be of interest to delegates and distributing it in the form of specially prepared résumés.

To supplement this information and acquaint each delegate with the work of the others, the first session presided over by Mr. Pugliese of the RAI was devoted to the screening of samples of television newsreels sent to Amsterdam by each organisation. Mr. Pugliese then invited Mr. Rengelink as promoter and organiser of the meeting to act as chairman from then on.

One of the most interesting questions on the agenda was undoubtedly how filmed news is obtained and how this can be done with the least possible delay. News sources at present are the agencies and the television organisations themselves which are producing an increasing amount of filmed news on their own territory. Transport is usually via the existing air lines which generally do not permit news to be obtained on the same day as the event occurs. Already, however, some organisations have begun to receive filmed news of particular importance via the Eurovision network and to record it on kinescope for deferred transmission if they are unable to broadcast it direct.

In response to the marked interest shown by the delegates in this new use of the European network, Mr. Griffiths of the EBU Technical Centre traced a clear picture of the actual possibilities and limitations of the wonderful tool this network has become. The meeting was greatly interested in these new possibilities but expressed some concern as to the high cost of the network. It was pointed out, however, that the cost could be reduced to a minimum if it were decided to make general use of the network, at a fixed time each day. The conclusion arrived at, therefore, was that a proposal should be made to the competent bodies of the EBU to try out this arrangement some time in the near future.

This brief account cannot be concluded without mentioning some highly interesting points which were discussed but did not lead to express recommendations to the Bureau of the Programme Committee, such as those set out below. Certain delegates, in fact, commenting on the plentiful supply of technicians and technical facilities at the disposal of the European television services, reached the conclusion that it would be possible to form a European news agency within the EBU along the lines of what had been done by other large groups of television organisations, in America for example.

The chief editors terminated their discussions by drawing up the following recommendations to the Bureau of the Programme Committee :

1. The meeting of chief editors noted with great interest the oral report submitted to it by Mr. Griffiths of the EBU Technical Centre concerning the development of the Eurovision network.

2. The meeting expressed the opinion that the exchange of filmed news items between EBU members could be improved and speeded up by using the Eurovision links.

3. The meeting was of the opinion that the network would be very useful for the exchange on film of highly important news or last-minute items and it requests the Programme Committee to consult the Technical Committee with a view to making the necessary arrangements for such news items to be transmitted at very short notice.

4. The meeting recommends the Programme Committee to set up a small study group to report on the financial aspects and the best way of organising a regular exchange of filmed news of daily events by means of the European network. Such a study group might also investigate the possibility—in the case of important events taking place outside EBU countries—of guaranteeing quicker and more economical coverage of such news by pooling equipment and sharing cameramen.

5. The meeting suggests that the Programme Committee should investigate the possibility of determining special rates for the use of the network for exchanges of filmed news, after the manner of those charged by the Postal Administrations for the transportation of press news.

6. The meeting suggests further that in order to gain sufficient experience an experimental service should be set up for a period of one month as soon as possible.

P. G.

GRAND PRIX OF THE 1958 EUROVISION SONG CONTEST

The European final of this contest was held on 12th March 1958 in Hilversum and was organised by the Nederlandse Televisie Stichting (NTS).

The winning song was presented by the Radiodiffusion Télévision Française (RTF) and was entitled

" DORS, MON AMOUR..."
(" Sleep, my love, sleep ")

music by Hubert GIRAUD
lyrics by Pierre DELANOË

sung by André CLAVEAU

to the accompaniment of the Metropole Orchestra of the NRU conducted by Franck POURCEL.

The song obtained 27 points out of 100.

Ten television services took an active part in this year's contest which can now be considered a permanent feature of Eurovision. The final was relayed over the Eurovision network by twelve member organisations of the EBU, serving in all approximately ten million receivers, and by a large number of other sound broadcasting stations.

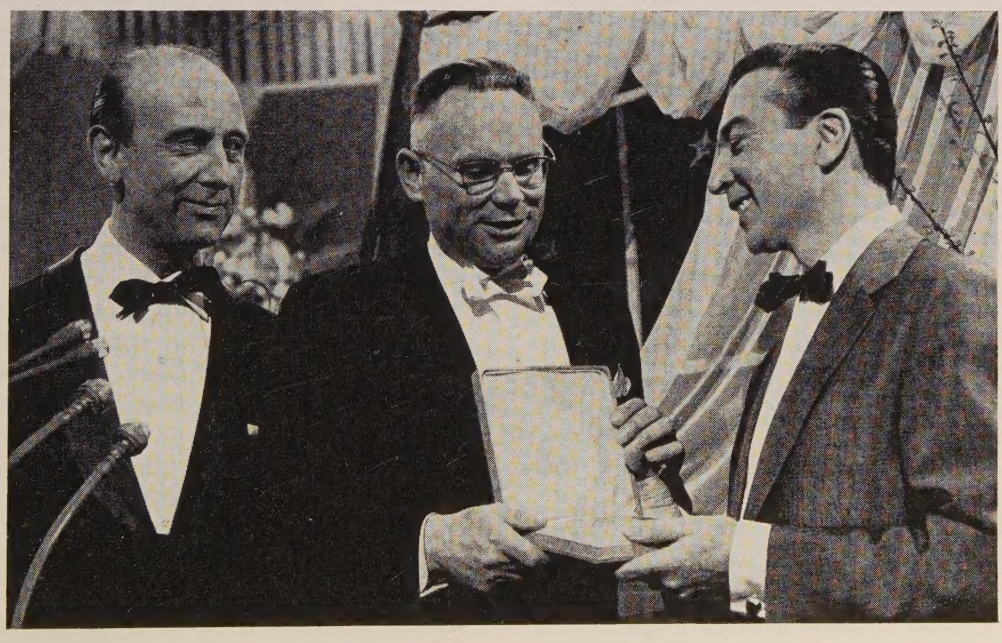
As in 1957, the European jury was decentralised. It was composed of ten national juries consisting of ten persons each, who were asked to judge on small screens in their own countries the songs presented by the nine television services of the other countries taking part in the broadcast. The juries' announcements were amplified, to enable them to be heard by all the viewers and listeners.

The final classification was as follows :

1. France	27 votes	
2. Switzerland . .	24 »	
3. Italy	13 »	
4. Sweden	10 »	
5. Austria	8 »	(ex aequo)
6. Belgium . . .		
7. Germany . . .	5 »	
8. Denmark . . .	3 »	
9. Luxembourg .	1	(ex aequo)
10. Netherlands . .		
	100 votes	

Special telephone arrangements were fitted up by the Dutch PTT Administration. The EBU Technical Centre was in charge of the preparations for transmission over the network and for the technical coordination in the International Coordination Centre at the Brussels Palais de Justice.

A special tribute must be paid to the NTS for the perfect organisation both on the programme and on the



(Photo NTS)

GRAND PRIX OF THE 1958 EUROVISION SONG CONTEST

Mr. Rengelink, NTS Programme Commissioner, handing the award to Mr. André Claveau. On the left is the conductor, Mr. Franck Pourcel.

technical side, and for the friendly atmosphere that prevailed at this event. After the performance, a brilliant reception was offered in the Town Hall by the Municipality of Hilversum.

Next year's Contest is to be organised by the Radiodiffusion Télévision Française.

ELEVENTH MEETING OF THE BUREAU OF THE PROGRAMME COMMITTEE

The Bureau of the Programme Committee held its 11th meeting in Brussels on 20th and 21st March 1958 under the chairmanship of Mr. M. Bezençon, assisted by Mr. C. McGivern and Mr. J. d'Arcy, Vice-Presidents. All the members of the Bureau were present.

The meeting of the Bureau had been preceded on 14th, 15th and 17th March by sessions of Working Parties GTV/1 and GTV/2 as well as a joint meeting of GTV/2 and Working Party L. This joint meeting presided over by Mr. d'Arcy and Mr. Pulling was also attended by the Director of the Technical Centre, Mr. G. Hansen, and Mr. J. T. Dickinson, Engineer-in-Chief.

GTV/1 under the chairmanship of Mr. S. Pugliese deals with exchanges on film, and at the meeting it studied among other questions the decentralised production of documentary films and the series " Small Towns ", " High Places of the Mind ", " Scientific Curiosities " and " Bibliographies of Great Contemporaries ".

The exchange of films on agriculture continues to progress and also the Children's International Newsreel which is winning great appreciation.

A meeting of chief editors of television news services was held on 10th and 11th March in Hilversum under the chairmanship of Mr. J. W. Rengelink and attended by the representatives of 15 active and associate member organisations (see account on page 30). It was decided that a group consisting of Mr. M. Bezençon, Mr. J. d'Arcy and Mr. E. Beckmann would immediately study, together with a delegation from Working Party L, the possibility of intensifying the use of the Eurovision network for the exchange of filmed news.

GTV/2 under the chairmanship of Mr. J. d'Arcy studied the report of the Planning Sub-Group. It congratulated Mr. Rengelink and Mr. van den Dool on the success of the Grand Prix of the Eurovision Song Contest held in Holland on 12th March and accepted an invitation from France, this year's winner, to hold the 1959 Grand Prix in that country (see page 31).

An analysis of the " Round Europe " programme of 31st December 1957 was made by Mr. F. Essex (BBC) who was in charge of the broadcast. It was decided that the RTF would organise the next programme of this type on 14th September, the RAI on 1st October and the ARD on 1st January 1959.

Reports were submitted on the broadcasting over Eurovision of the World Football Championships, and the Swedish broadcasting organisation, represented by Mr. E. Mattson and Mr. H. Hahr, set forth the conditions governing these transmissions. We are pleased to be able to announce here that ten matches will be broadcast live on Eurovision and extracts from others can be shown on film. The Athletic Championships, the World Cycling Championship, the " Tour de France " and other sporting events were also discussed on this occasion.

As regards cultural and religious events, a number of proposals were studied and accepted, including relays from Lourdes, Stockholm and Salzburg.

Mr. Kammans and Mr. Leysen gave members all the necessary details concerning the possibility of broadcasts from the Brussels Universal Exhibition, which is a very important source of programmes. The Belgian television service, it may be said, has already given proof of its awareness of the importance of its mission and has shown how efficiently it can bring the events of the Exhibition to the public at large.

The Bureau of the Programme Committee again examined the proposal to create under the auspices of UNESCO an international Film and Television Institute; ir further discussed relations with the organisers of sporting events, the International University of the Air (URI) and the 1958 Eurovision Grand Prix of Television Films in Cannes at which the EBU was represented by Mr. Bezençon, Mr. d'Arcy, Mr. Pugliese and Mr. Beckmann.

The next meetings of GTV/1, GTV/2 and the Bureau of the Programme Committee are planned to take place in Wiesbaden from 22nd to 30th September 1958.

EIGHTEENTH MEETING OF THE ADMINISTRATIVE COUNCIL

The Administrative Council met in Hilversum from 26th to 29th April at the invitation of Holland. All members were present and the meeting under the able chairmanship of Sir Ian Jacob (BBC) was able to deal with the many items on the agenda and allow delegates time to accept the invitations of the NRU and its member societies.

After hearing the reports of the Presidents of the Committees, Mr. Pawley, Mr. Bezençon and Mr. Lenoble, and settling a number of questions of an administrative and financial character, the Administrative Council formally discharged Mr. Léo Wallenborn, Director of the Administrative Office, from his management and in taking leave of him extended its best wishes for his new career.

The Council decided to put forward at an Extraordinary General Assembly certain modifications to the Statutes of the Union, allowing associate member organisations in particular to take a more effective part in the work of the EBU.

The next Meeting of the Administrative Council has been fixed from 25th to 28th October 1958 in Geneva.

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Receiving and Measuring Station - Jurbise-Masnuy (Hainaut), Belgium

International Television Coordination Centre (Eurovision)
Palais de Justice, Brussels, Belgium

E.B.U. MEMBERS

Active Members

Austria — Oesterreichischer Rundfunk Ges.m.b.H.

Belgium — Institut National Belge de Radiodiffusion

Denmark — Statsradiofonien

Egypt — Egyptian Broadcasting

Finland — Oy. Yleisradio Ab.

France — Radiodiffusion-Télévision Française

German Federal Republic — Arbeitsgemeinschaft der Oeffentlich-Rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (A.R.D.) comprising :

Bayerischer Rundfunk
Hessischer Rundfunk
Norddeutscher Rundfunk
Nord- und Westdeutscher Rundfunkverband
Radio Bremen
Saarländischer Rundfunk
Sender Freies Berlin
Süddeutscher Rundfunk
Südwestfunk
Westdeutscher Rundfunk

Greece — Hellenic National Broadcasting Institute

Iceland — Rikisutvarpid

Ireland — Radio Eireann

Israel — Israel Broadcasting Service

Italy — RAI - Radiotelevisione Italiana

Lebanon — Service de Radiodiffusion de la République Libanaise

Luxembourg — Compagnie Luxembourgeoise de Télédiffusion

Monaco — Radio Monte-Carlo

Morocco — Radiodiffusion Nationale Marocaine

Netherlands — Nederlandse Radio-Unie, comprising :
Algemene Vereniging Radio-Omroep
Nederlandse Christelijke Radio Vereniging
Omroepvereniging VARA
Stichting Katholieke Radio-Omroep
Vrijzinnig Protestantse Radio-Omroep

Norway — Norsk Rikskringkasting

Portugal — Emissora Nacional de Radiodifusão

Spain — Radio Nacional de España

Sweden — Sveriges Radio

Switzerland — Société Suisse de Radiodiffusion

Syria — Direction Générale de la Radiodiffusion Syrienne

Tunisia — Radiodiffusion-Télévision Tunisienne

Turkey — Directorate-General for the Press

United Kingdom — British Broadcasting Corporation

Vatican State — Vatican Broadcasting Service

Yugoslavia — Jugoslovenska Radiodifuzija

Associate Members

Australia — Australian Broadcasting Commission

Belgian Congo — Radio Congo Belge

Burma — Burma Broadcasting Corporation

Canada — Canadian Broadcasting Corporation

Ceylon — Radio Ceylon

Haïti — Service des Télégraphes, Téléphones et Radiocommunications de la République d'Haïti

Japan — Nippon Hoso Kyokai

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Pakistan — Radio Pakistan

Portugal — RTP - Radiotelevisão Portuguesa

Union of South Africa — South African Broadcasting Corporation

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United States — US Information Agency
National Broadcasting Company, Inc.
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